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DOCTOR OF PHILOSOPHY

Ethical stress in Scottish criminal justice social work

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Jane Fenton

2013

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**ETHICAL STRESS IN SCOTTISH
CRIMINAL JUSTICE SOCIAL WORK**

Jane Fenton

**Doctor of Philosophy
University of Dundee
May, 2013**

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Declaration

I, Jane Fenton, am the author of the following thesis. Unless otherwise stated, all references cited have been consulted by me, and the work, of which the thesis is a record, has been done by me. This thesis has not been previously accepted for a higher degree.

Signed:.....

Abstract

This thesis uses empirical data to explore criminal justice social workers' experience of 'ethical stress,' which is the discomfort experienced by workers when they cannot achieve value/behaviour congruence in their practice. The research was operationalised via questionnaires distributed to criminal justice social workers in four Scottish local authorities, from which both quantitative and qualitative data were gathered. From the data, it appears that the more risk averse a workplace is perceived to be, and the less value-based the ethical climate is judged to be, the more ethical stress will be experienced. The approach to working with offenders, however, seems not to have a direct effect on ethical stress experienced. Rather, workers are very clear that public protection/risk work takes priority and this only becomes a source of stress when the ethical climate is such that any additional welfare, helping work the social worker is inclined to undertake, is thwarted. A worker's experience of ethical stress may depend upon where they work, as levels vary significantly between local authorities, as do perceptions of ethical climate. Approaches taken to risk and to working with offenders, however, do not vary between local authorities, probably because of the strength of influence from government. A model of ethical stress in criminal justice social work (CJSW) is ultimately suggested, highlighting the connections and influences above, and depicting the important role of the senior social worker. Finally, significant differences on all variables were found between older, more experienced workers and younger, less experienced workers who appear to be happier with a 'new penological' approach to the management of (as opposed to engagement with) offenders. Less experienced workers seem to accept, more uncritically, the prioritisation of public protection and reduced autonomy and, although they do experience ethical stress when value based practice is impeded and risk aversion prevails, it is experienced to a

significantly lesser degree. The culmination of these differences may well cast doubt upon CJSW's continuing commitment to social work values.

1 Introduction

“Obviously the probation service cannot fight a lone battle against the powerful forces that propel our society towards a war against foreign countries, immigrants, claimants and offenders, seen as threats to our personal and property rights. But it can attempt still to base its values and its practices in ideas of equality, tolerance, respect, agreement and co-operation. The most important point is not to adopt a technical pseudo-expertise that disguises the fundamental violence behind current policies. Probation officers should not become the brainwashed foot soldiers in a war against the outsiders in our society.” (Jordan, 2003, p209)

The motivation for undertaking this doctoral thesis stems from my own experience as a criminal justice social worker and senior social worker in a local authority (LA) criminal justice social work (CJSW) agency, between the years of 1994 and 2006. During my time as a social worker I formed relationships with many service users and was privileged to be allowed into their lives and to hear their stories. Each service user had a unique and individual story to tell about circumstances leading to offending, factors keeping them caught within a cycle of offending and the important factors which might help them stop offending.

During my time in CJSW, I was very aware of the changes which were taking place, especially in the mid-90s, which were impacting on the way we, as a service, worked with people. It seemed that the introduction of cognitive-behavioural programmes of work, and the automatic referral of each person to general groupwork programmes was paralleled by a reduced belief in building relationships with service users, a reduced commitment to doing home visits and building relationships with service users’ families and a reduced focus on ‘helping’ people with their problems (as defined by them). Instead, we were restricted to working on ‘criminogenic needs’ (as defined by us), undertaking structured risk assessments and ensuring compliance with groupwork attendance. Myself, and many

of my peers felt intrinsically unhappy about the changes, articulated by us as the service losing sight of its social work value base. It seemed, however, that in the new world our arguments about values seemed quite insignificant, and that the ‘real’ social workers were working with police on the management of ‘high risk’ offenders. The unsettled and unhappy feeling I can now recognise as disjuncture, and I can understand why I felt as I did.

Upon moving to the university and undertaking more study, I began to understand more and more about the situation in CJSW. Discovering the literature on ‘disjuncture’ was the turning point in my journey to find the focus of this thesis. Hopefully, then, the thesis which grew from that starting point will constitute a comprehensive investigation and analysis of ethical stress (including disjuncture) within contemporary CJSW.

Section 2 of the thesis reviews the literature in three sections: the history of CJSW, and the changing place and importance of welfare and ‘helping’, disjuncture and risk and anxiety. Section 2 also explores the literature concerned with ‘desistance,’ an approach to work with offenders which, it is suggested, would relieve the disjuncture which might, potentially, be experienced by workers in CJSW. From the literature, four variables are drawn which may influence social workers’ experience of disjuncture. The four variables are: ‘how we work with offenders,’ ‘ethical climate,’ ‘ontological anxiety/guilt’ and ‘agency approach to risk.’ Research question 1 arises from the suggestion that these variables will impact upon workers’ experience of ‘disjuncture.’ Because of the possible variability of the influences upon those four variables, as uncovered by the literature review, the probability that they, and consequent ‘disjuncture,’ might vary from agency to

agency is raised as a further research question. The research questions are therefore identified as:

Does each of the independent variables contribute uniquely and significantly to workers' experience of disjuncture?

AND

Do different local authorities (LA) produce different scores on the model variables?

Finally, the literature review concludes by iterating the aim of the research: that is, to construct a model of disjuncture in Scottish CJSW, based on the answers to the two research questions above.

Section 3 reviews the methodology and explores the construction of the questionnaire used to gather data from criminal justice social workers across four LAs. Reliability and validity of the questionnaire were established and 240 questionnaires were distributed. A usable sample of 100 completed questionnaires was returned.

Section 4 demonstrates that the variables are statistically connected in a complex way and explains how a new variable, 'ethical stress' was computed from the original variables 'disjuncture' and 'ontological anxiety/guilt.' Findings can be summarised as follows: 'ethical stress' has a significant, contributory and reciprocal relationship with 'risk' and 'ethical climate;' 'risk' and 'ethical climate' have significant and reciprocal relationships with 'how we work with offenders;' there is no direct contributory relationship between 'how we work with offenders' and 'ethical stress;' 'ethical stress' and 'ethical climate' vary from LA to LA; 'risk' and 'how we work with offenders' do not: there is a significant

difference on all variables between workers who started in CJSW prior to 1997, and those who started afterwards; and excessive workloads are seen as the real barrier to undertaking traditional social work with service users. A model of ethical stress is drawn from the results.

Section 5 discusses all of the above findings in turn and attempts to explain the connections or the lack of connections. The model of ethical stress is enhanced as the discussion progresses, by the incorporation of the role of the senior social worker, the effects of basic underlying value assumptions upon the ethical climate and the extremely powerful direct effect of government instruction and direction upon ‘risk’ and ‘how we work with offenders.’ Triangulation of the data is attained by utilising the qualitative, explanatory data and research findings from relevant literature, to better understand the quantitative data, and to elaborate upon the original model. Ultimately, a final ‘Model of Ethical Stress and its Influences in CJSW in Scotland’ (see Diagram 8) is suggested.

Section 6 reviews the thesis, highlighting the main findings and themes. This section also looks at the future implications of the findings, suggests what may be required if a desistance approach is to be promoted and raises the question of whether there is continuing commitment to social work values within CJSW. Finally, areas for future study are suggested.

2 Literature review

2.1 History

2.1.1 Introduction

According to Feeley and Simon (1992) there is a “new, strategic formation in the penal field” (Feeley and Simon, 1992, p449) which they refer to as the ‘new penology’. In essence, they state that the ‘old penology’ was concerned with the individual and maintained a focus on welfare, responsibility, blame, treatment or punishment, with a view to changing that individual’s behaviour. Therefore, the ‘old penology’ was centrally concerned with change. Political shifts might mean a shift in belief about what affects change (helping somebody with their problems (welfare) or deterring somebody from repeating their actions (punishment)), but, nonetheless, the focus was on the individual and changing their behaviour from anti to pro-social.

Feeley and Simon state that, in contrast to this, the ‘new penology’ is not concerned with the individual and, as such, is not concerned with affecting any change for that individual or their circumstances. What the new penology is interested in, is managing groups of offenders, classified by varying degrees of risk. They state that “the task is managerial not transformative” (ibid. p452). Feeley and Simon define the new penology as having three distinct areas: new language and discourse, when the language of welfare or punishment is replaced by the language of risk and probability; new objectives, for example efficient control of groups of people; and new techniques such as targeting offenders as groups

rather than as individuals, using statistical predictors of re-offending and risk assessment tools.

It can be seen, then, that the new penology would not be a framework congruent with the *Report of the 21st century social work review* (Scottish Government, 2006). The review's themes of therapeutic work with individuals, using desistance theories to promote change, and the emphasis on worker-service user relationship are not at all consonant with a new penology where managing groups is the primary aim. Robinson (1999), however, points out that there has been a re-emergence of "new-rehabilitationism" (still concerned with change) within probation services, most obviously the 'what works' body of research and its implementation (Robinson, 1999, p426). It must be noted, however, that there are criticisms of the 'what works' agenda and, in fact, Mair (2004) credits "aggressive marketing" (Mair, 2004, P28) with its almost evangelic adoption by the National Probation Service (as opposed to adoption based on a robust evidence base). Despite this, Robinson concludes that managing risk classified groups of offenders, and engaging in rehabilitative work are not incompatible activities. She states that this is a "tentative" conclusion and that, although the potential is there for compatibility, the reality of probation practice might not demonstrate it (Robinson, 1999, p430). Robinson accepts that the probation service has become a primarily risk management agency, but believes that rehabilitation work, and the individual nature of that, plays an important part within the risk framework. Also, as McNeill points out, in 2003 Jack McConnell (the then First Minister) proposed organisational changes in Scotland, but in his vision, retained rehabilitation as an important element: "Respect, Responsibility and Rehabilitation" (McNeill, 2004, p425). McConnell also made it clear the offenders must be given the chance, and the support, to change their behaviour (McNeill, 2004). McNeill goes on to say that rehabilitation has always retained

its place within Scottish penal policy, before and since the introduction of *National Objectives and Standards for Social Work Services in the Criminal Justice System* (NOAS), in 1991 (Social Work Services Group, 1991). McNeill outlines that even the *Criminal Justice Social Work Services: National Priorities for 2001-2002 and Onwards* (Scottish Executive, 2001) retain rehabilitation as the third of their three priorities. These social policy developments would therefore seem to add weight to Robinson's idea and point to the potential, or actual, co-existence in Scotland anyway, of an increasing emphasis on risk and management *and* real rehabilitative efforts. Interestingly, however, McNeill, in his account, states that themes of tolerance and inclusion (and, implicitly, rehabilitation and welfare) are acknowledged "more quietly and discreetly" (ibid. p426) and that the continuing commitment to penal reductionism is "somewhat more qualified" (than the commitment to punishment) (ibid. p426). McNeill, therefore, raises some doubt about the robustness of the Scottish commitment to rehabilitation and welfare. He does, however, point out that the persistence of this commitment (even if it is diluted) is exactly in keeping with our underpinning legislation, the Social Work (Scotland) Act 1968 and its central tenet of social welfare. McNeill also notes that these continuing commitments are in contrast to developments in the rest of the UK, where, when there is any official mention of rehabilitation, it is "'rehabilitation-as-treatment' or 'correctionalism' which is inferred: that is, the reduction of reoffending risk by the application of accredited, 'rehabilitative' programmes of intervention" (ibid. p426).

So far then, Feeley and Simon's account of current criminal justice practice has been somewhat challenged in that Robinson suggests that rehabilitation can co-exist with risk management. This idea, combined with the social policy framework as described, suggests that even although there have been changes, there is still a commitment to rehabilitation in

Scotland. Garland (2001) perhaps sums up the situation most coherently when his consideration of the ‘old’ versus the ‘new’ penology leads him to suggest that “one needs a way of discussing change that will be attuned to...complexity and variation and will avoid the pull towards simplified dualisms and the false essentialism they imply.” (Garland, 2001, p23) Garland’s claim is that there is an “emergence of a *reconfigured* field of crime control and criminal justice” (ibid. p23, emphasis added)

In effect, then, there appears to be broad agreement that things have changed. That risk is a more dominant narrative within criminal justice and that rehabilitation work, although it might still go on, has been re-inscribed within a risk framework and has become a secondary consideration. These historical changes require further exploration and are important for ‘setting the scene’ for the research study and for locating the area of enquiry within a broader picture of CJSW. It is also important to understand what the changes have meant in terms of values, before attempting to understand the place of values in the contemporary world of CJSW.

2.1.2 Early history until 1970

The dominant ideology in criminal justice work has, from the beginning of the 20th century in the UK and USA, been characterised by a penal-welfare ethos, which has rehabilitation as its central tenet (Garland, 2001). The two axioms which underpin this approach are that crime should gradually lessen as people’s material, social and personal circumstances improve and that the state is best placed to manage issues of crime control and sanctions rather than these being personal or civic tasks (Garland, 2001). Within this framework, it

is assumed that to assist somebody with problems in their material, social or personal circumstances will assist with successful rehabilitation.

According to Vanstone (2004), early probation emerged in Britain when Warwickshire magistrates 'bound over' young offenders into the care of their employers in the 1820s, with the scheme being subsequently expanded to include adults. In 1876, the first police court missionary was appointed by the Church of England Temperance Society (McWilliams, 1983). According to Barnard (2008) this time can be described as "the morality period" in social work's history. Barnard states that social work was "more concerned with the morality of the client.....(and) this led to paternalistic attempts to strengthen the moral rectitude of 'wayward' clients" (Barnard, 2008, P10). Therefore, guardians and officers would be tasked with 'rectifying' the moral character of the offenders they were responsible for rather than looking to their surrounding circumstances.

Barnard (2008) suggests that there was, however, a shift in the early part of the twentieth century from concern with the offender's morality to concern with the living conditions of people in need. This culminated in the 'War on Want' and, thereafter, the conception of the welfare state in 1945 (Garland, 2001). At the same time, an emerging class of social workers and welfare personnel evolved, and undertook, what Barnard refers to, as "traditional social work" (Barnard, 2008, p11). He cites Rojek et al. (1981) to describe 'traditional social work' as "the technical management of personal problems and the maintenance of order" (Rojek et al (1981) in Barnard, 2008, P11), in effect, helping with welfare and other needs, whilst controlling and rectifying the 'wayward.'

Within the above model, then, the two principles of penal-welfarism can be seen. Social workers were responsible for dealing with offenders (the state managing this aspect of crime control) and were also centrally concerned with improving the circumstances and personal problems of the offender (crime should lessen if circumstances improve). These principles are completely consonant with Rojek's traditional social work, although the 'maintenance of order' is less clear. It is there implicitly, within the axiom that improved personal circumstances and welfare needs should reduce crime, but the link is indirect rather than directly causal.

Bottoms (1980) states that thereafter, and persisting until the late 1960s, another significant shift took place, with criminology becoming dominated by the belief that a scientific methodology could be applied to criminology. The assumption was that the causes of crime lay within the individual and that a principle task for criminology was 'correctionalist' work, dealing with and correcting the internal character flaws which were leading to offending. McWilliams (1983) states that, at the same time, there was a general desire for the probation service to recognise this medical model or "emerging 'science' of social work" (McWilliams, 1983, p129). McWilliams defines the key development as the demise of the 'mission' and the triumph of the scientific approach. He states that deterministic thinking around temperance was pivotal in this development. In essence, drinking alcohol was viewed as the "stumbling block" to being accepted by God (ibid. p141). Once the missionaries agreed that some offenders' behaviour was 'determined' by underlying causes, it meant that "the Mission had no ultimate defence left against the determinist ontology of the diagnosticians. The triumph of the 'scientific' social workers ensued" (ibid. P142).

At this juncture, then, it can be seen that social work in the courts had become ‘professionalised’ in that there existed a class of professional social workers who had ‘expertise’ to identify and work with people in trouble. All of this was, however, still located within a robust penal-welfare framework, as poor circumstances were still a central area of concern. As Garland (2001) would say, the field had become ‘reconfigured.’ Garland suggests, in fact, that penal-welfarism actually grew in strength during this period when the welfare state was conceived, people were more affluent, there was full employment and a concern for the welfare of the whole community influenced, perhaps, by the ending of the Second World War.

Another factor in the success of penal-welfarism was, according to Garland, the perceived effectiveness of criminal justice agencies. He points out, however, that perhaps this ‘perceived success’ was somewhat misplaced. At that time, social control played a very significant role within communities, played out via strong family units, belief in tradition, the role of the church and other social organisations. This resonates with Foucault’s ‘disciplinary’ thinking (Foucault, 1979). The power that exists within relationships one has (for example, with family, church, workplace) can exert great control and regulation over behaviour. Within a Foucauldian framework of ‘discipline’ a person is described as moving from one ‘enclosed space’ to another and obeying the regulations and controls within those spaces. It may be therefore, that the disciplinary society was exerting great control and regulation over behaviour, leading to low rates of crime, but that crime control agencies were given credit for this as they were a more obvious candidate for the success than the hidden or taken-for-granted social norms. Suffice to say, however, that penal-welfarism as the foundational ideology of our crime control agencies was unquestioned at the time (Garland, 2001), and appeared to be ‘maintaining order’ as per Rojek’s second

strand of ‘traditional social work’. Overall, therefore, probation work was entirely consistent with traditional social work in that it seemed to be maintaining order (by ‘scientific’ endeavour supported by low crime rates), as well as helping people with social welfare and other personal problems.

What, then, was the specific picture in Scotland? The Probation service was established in Glasgow in 1905 (McNeill, 2005). The service was staffed by police officers, and was concerned with supervision, not treatment (but not punishment either). The origins of this service were linked to concern about the high use of custody for fine-defaulters, and was therefore born out of penal-reductionist thinking (McNeill, 2005). The service was revolutionised in 1931 by the introduction of the Probation of Offenders (Scotland) Act 1931, whereby police officers were prohibited from being probation officers. The thinking behind this is not explained, although McNeill states that it implies the victory of rehabilitation over supervision as the primary aim of probation. McNeill also points out that the use of ‘expertise’ and ‘knowledge’ was in keeping with the thinking of the time and that a scientific approach was encouraged, as already covered. At this point, then, probation in Scotland had a clear rehabilitation and penal-reductionist remit and was located securely within a wider penal-welfare framework.

One of the most interesting aspects of McNeill’s account, is his point that there was “breathtaking confidence” in probation, from the Secretary of State for Scotland (McNeill, 2005, p31). He quotes, “The value of probation as a means of dealing with offenders...has been proved beyond doubt.” (Scottish Office, 1947, cited in McNeill, 2005 p31). McNeill also points out that there was an effort to measure performance at this time, with only 17% of offenders subject to probation re-appearing in court during their orders. Again, there is

a clear link to the suggestion that crime control agencies, perhaps, were given the credit for controlling crime in post war years which actually belonged to communities and to Foucault's 'Disciplinary Society' (Foucault, 1979). Recorded crime statistics show that recorded crime rose between 1930 and 1939 (unsettling effects of the impending Second World War is suggested as the reason by Young (1975)), then fell again to the 1930 rate between 1939 and early 1950s (Scottish Government, 2008a). In summary, the 1950s saw low crime rates and faith and belief in the 'modern' expertise of criminal justice agencies, including the probation service. Even with this clear optimism and faith, however, the actual use of probation was declining. The Criminal Justice (Scotland) Act 1949 widened the scope of probation (McNeill, 2005), and, even although the reluctance to use probation was explained by a perception that it was "letting offenders off", the centrality of "an essentially benevolent and offender-centred view of rehabilitation as restoration to full citizenship" prevailed (ibid. P32). Notions of helping and welfare were firmly rooted in the work.

Thus far, then, it can be clearly seen that Feeley and Simon's 'old penology' was congruent with a penal-welfare approach. No matter that changes had taken place, from concern with an offender's morality, to help and assistance with welfare needs to positivist 'diagnosis' and 'expert' treatment, the individual was still the central concern. In Scotland, rehabilitation characterised the essence of probation work with offenders and was consistent with Rojek's traditional social work, and with the value base of wider social work.

It is important, at this point, to understand the motivation for the emergence of probation. Vanstone (2004) suggests that orthodox explanations of humanitarianism, clear notions of

helping people and civilising a brutal penal system are perhaps too simplistic. He further suggests that elements such as social control, class difference, responsabilisation and individualisation are crucial elements. This also ties into the Foucauldian idea that cautions us against simply defining the changes as being humanitarian. Foucault points out that when brutal corporal punishment (short attacks on the body and extreme displays of sovereign power) was replaced by carceral methods (longer punishment, imprisonment and attempts to effect change not just punish), then the state began to have further reaching power, making judgements about offenders' morals and exerting control to a much greater extent (Foucault, 1979).

Young (1975) also points out that class difference was extremely important in the early development of probation. He states that although this has always been recognised, the importance of it has, perhaps, been underestimated. He states quite clearly that the purpose was to control certain sections of the working class population. Young's evidence for his suggestion is that indiscriminate charity was very much frowned upon by the established and new professional middle classes. There was ideological conflict; should poverty be seen as the problem, and, thus, charity given to anyone in need? Or, as Young states, was charity given on the basis that those who took it up become part of an essentially middle class structure where success is down to the individual? It seems that the latter prevailed. Those who would not, or could not, benefit from charity, were viewed as moral failures. In other words, they failed because of individual failings of character, not because of poverty or oppression ('incorrigible' offenders). Within this ethos, notions of 'underclass' can be clearly identified (Feeley and Simon, 1992; Murray, 1990) which are congruent with the idea of a risky, 'other' population of offenders who must be managed. Ideas of 'deservedness' (of help) also exist within this framework. McNeill and Whyte (2007)

illuminate the practice implications of this when they point out that, although probation always seems to have been about diversion from custody (and explicit penal-reductionism in Scotland (McNeill, 2005)), it has always had a role in justifying custody. By ‘diagnosing’ suitability for ‘treatment’ social workers decided who was deserving of probation and who was not. This required rationalisations about why a person might not be suitable for probation, and therefore, suitable for custody. The City of Glasgow’s policy was that probation “should be applied only to those in whom wrong-doing is not habitual and whose age, record or home circumstances give reasonable hope of reformation” (City of Glasgow (1955) cited in McNeill and Whyte (2007)). In other words, those who would not join in with a middle class ethic, the ‘incorrigibles,’ were defined as undeserving of support. The theme of ‘deservedness’ is today still important in work with offenders, especially in the context of values, and is discussed again in Sections 2.2.2, 2.2.3 and 2.3.2.

At this point in time, then, Feeley and Simon’s ‘old penology’ was holding fast; working with the individual on probation, undertaking traditional social work was the central task. However, the theorists above have also drawn attention to thinking around ‘incorrigibles’, deservedness, those who will not or cannot join in with the middle class ethic (the ‘underclass’?) and the expansion of control and surveillance. Some tensions, therefore, were clearly already present in the work with offenders.

The next important development for social work with offenders in Scotland was the Kilbrandon Report in 1964 which led to a reorganisation of the Social Work Department, and, as a consequence, the inclusion of offender services within generic social work teams (McNeill and Whyte, 2007). The purpose of probation as being essentially welfare driven

was now enshrined in legislation: “to promote social welfare” (Social Work (Scotland) Act 1968). Social workers still made judgements about who ‘deserved’ to be on probation, but once a person was subject to an order, they were entitled, in law, to welfare help and support.

Barnard (2008) states that radical social work emerged during this period. Radical social work is described as “a broad church” (Barnard, 2008, p11) which saw personal problems as resulting from the structural inequalities in society, and which based its approach upon several ideologies including Marxism, feminism and labelling theory. Barnard also notes that the influence of humanism and existentialism became stronger during this period. Carl Rogers (1980, [1963]), a humanist, suggested his three core conditions for successful relationships between social worker and service user, namely unconditional positive regard, workers should be perceived as genuine and congruent and should have empathy for service users. In terms of academic thinking at the time, then, and legislative framework, helping offenders with welfare and other problems, building relationships with them and unashamedly working on their behalf was a legitimate and clear direction for probation work in Scotland.

At this point, then, CJSW in Scotland was very clearly concerned with welfare, had the confidence of the public and the state and, because it was included in the wider social work department and underpinned by the Social Work (Scotland) Act 1968, was influenced by ideas of radical thought, humanism and existentialism. This, then, appears to have produced a very solid foundation upon which work with offenders was based; legislation, values and theory all in synch. Surprisingly, however, McNeill (2005) states that, “by the late 1970s commentators in academic and professional journals were expressing concerns

about the viability of probation” (McNeill, 2005, p34). Garland also states that in terms of penal-welfarism, “Instead of being the highlight of a century long correctionalist project, the 1970s became the ground zero for a newly contested field of crime control” (Garland, 2001, p63). So, what were the “concerns” which McNeill mentions and how does Garland explain his emotive quote above?

2.1.3 What happened in the 1970s?

Recorded crime statistics rose steeply and consistently from the early 1950s (recorded at under 200,000 crimes and offences per year) to approximately 1,000,000 per year in 1993 (Scottish Government, 2008a). Therefore, by the 1970s there had been 2 decades of rising crime. However, according to Garland (2001), such were the supporting structures around penal-welfarism (including the disciplinary society, inclusive politics, academic thinking, belief in the welfare state, the centrality of professionalism and research based social policy) that practitioners, criminologists and social theorists were caught entirely unawares by the dislodgement of penal-welfarism from its central position. The strength of the belief in, and centrality of, penal-welfarism meant that the ideology should have been able to withstand the potential threat from rising crime rates.

Garland discusses several key causes which, he suggests, brought about the collapse of penal-welfarism. First of all there was a spate of publications in the USA which presented “damaging critiques of penal-welfarism and its ‘individualised treatment model’” (Garland, 2001, P55). According to Garland, an example of those critiques was a report by

the Working Party of the American Friends Service Committee, published in 1971. The working party was made up of activists, ex-prisoners and academics, and the central message of the report was an objection to the discretion of the criminal justice system and its power to punish. This included discretionary sentences of imprisonment which the Working Party saw as a weapon used to oppress young, black, male, poor and other excluded people. The report suggested that rehabilitation efforts, and the power to punish if people refused to engage, were equally oppressive. They suggested that discretionary powers be reduced, that punishment should equate to the criminal act only, that the least restrictive option be chosen and there be established a prisoners' 'Bill of Rights'. Alongside these reforms, the report suggested broad socio-economic change, decriminalization and empowerment of poor communities and making a whole range of therapy, counselling, education and other services freely available to the whole population. As Garland (2001) points out, this first assault on penal-welfarism was particularly powerful because it came from within the system itself. Barnard's (2008) discussion of radical social work with its emphasis on structural problems, not individual characteristics, resonates with the criticisms from the American Friends and, therefore, it seems that social work academics were adding their support to these criticisms. Rehabilitation or correctionalism was seen to be unfairly invasive and to coerce people into conformity.

Echoing these strands of thought in Britain were Bottoms and McWilliams (1979) who promoted a "non-treatment paradigm" for work with offenders (Bottoms and McWilliams, 1979, p59). Bottoms and McWilliams, in keeping with the radical thinkers outlined above, felt that coercive probation was essentially wrong. Their critique was based on the fact that coercing a person to accept 'help' or 'work on their problems' completely undermined the values of autonomy and self determination. Because the work is incompatible with those

values, then it is wrong. Bottoms and McWilliams suggested that offenders should have to accept the ‘punishment’ part of probation (in line with justice), for example, reporting to an officer, but that they should not have to participate in therapeutic work. If they chose not to participate, this should have no effect on sentencing, increased punishment or sanctions. The self determination of the offender would be preserved in that they would know best whether therapeutic work or assistance would be good for them. Again, community services should be universal and available to all if people chose to take them up. Young (1975) also drew attention to the part that probation practice played in the maintenance of the middle classes through social control, which adds weight to the academic thinking of the time.

In Scotland, concerns were being raised about criminal justice work being subsumed within generic social work teams. For example, Moore (1978) raised these concerns as well as highlighting how an unacceptably high prison population was causing a ‘crisis’ in Scottish criminal justice. Prisons were being used instead of probation, and this lack of confidence demonstrated by the judiciary was not helped by social workers having mixed caseloads with offenders having to ‘compete’ with children, older people and disabled people for priority. According to McAra (1999), however, these concerns were only about the ‘how’ of delivery of the services and the rehabilitative endeavour, and not about whether the service itself was worthwhile. That did not seem to be in question in Scotland.

The second of Garland’s key issues in the 1970s, is the exploration of effectiveness of the current system, and the increasing number of publications concluding that existing structures and methods were not having any success in reducing crime. Garland points out

that a crucial factor here is that those debates and critiques became far more mainstream than earlier comment. The most influential of those reports was a study by Robert Martinson, the findings being summarised in “What works? Questions and answers about prison reform” (Martinson, 1974). This study looked at all writings on rehabilitation attempts in America from 1945 to 1967, and found that there was little evidence of ‘successful’ rehabilitation efforts. Martinson, however, also suggested that the research, in the main, was poorly conducted and that it might be that successes were happening, but inadequate research was not picking them up. Also, some positive results were found, but they were isolated findings and did not produce any evidence of a coherent pattern. Martinson suggested that people might draw several conclusions from his research findings: either the current system was not working hard enough and, therefore, more efforts in the same direction were required; or that any programmes at their best would not overcome ingrained offending. He points out, however, that these conclusions would ignore the ‘normality’ of crime in our society and the fact that many offenders are simply responding to the conditions of their environments. Martinson objected to the commonly held belief in “a theory of crime as a ‘disease’ - that is to say something foreign and abnormal in the individual which presumably can be cured” (Martinson, 1974, p 49). Martinson goes on to say that the resulting “treatments have, on occasion become...so draconian as to offend the moral order of a democratic society; and the theory of crime as a social phenomena suggests that such treatments may not only be offensive, but ineffective as well” (ibid p49).

Martinson’s research was absolutely pivotal in the loss of confidence in the Probation Service, and his findings were reduced to a statement of ‘nothing works’ in the rehabilitation of offenders (Mair, 2004). Closer reading of Martinson, however, affords

nuances and subtleties that such reductionism cannot do justice to, and, in effect, Martinson was making a convincing case in accordance with the radical thinkers of the time: perhaps social conditions and inequalities contribute very significantly to offending, and therefore, individual ‘treatments’ are always going to be somewhat ineffective. It is also interesting to note that there were emerging themes from Martinson’s research such as coercion into treatment showing a consistently poor result in terms of recidivism, and, more positively, enthusiasm, belief, skill and relational factors on the part of the supervisor being important in terms of positive results. Martinson consistently returns to the phrase “good people” (Martinson, 1974, p46). This is a significant point which will be revisited later.

The emerging critique of penal-welfarism reached a critical point with, according to Garland, the publication of the *Doing Justice* report in the USA (von Hirsch, 1976). This was a pivotal publication because, as Garland states, “‘Doing Justice’ explicitly endorsed a *retributivist* philosophy of punishment.” (Garland, 2001, P59). It advocated, in moral terms, backward looking punishment, concerned with the act not the actor, a ‘just deserts’ model of justice which eschewed as immoral penal measures based on future predictions of risk or on evaluations of the individual’s behaviour and lifestyle. The report included a sentencing grid designed to replace discretionary sentencing. This was taken further, according to Garland, by a seminal text *Thinking About Crime* (Wilson, 1975). Wilson took an opposite ideological stance to the American Friends and was dismissive of widespread social reform. He supported fixed term sentences, retribution and ‘just deserts’. Also, and of critical importance, he wrote in terms of deterrents, and advocated harsher, more punitive sentences; more deterrence and control and less welfare. Martinson (1974) in his conclusion also raised the subject of deterrence as a potential avenue for

exploration in terms of reducing reoffending: “it is possible that there is something that works – that is working now right under our noses, and that might be able to work better – something that deters rather than cures...” (Martinson, 1974, p50). He adds the caveat, however, that more research is required into deterrence as a crime control strategy.

Meanwhile, the beginnings of a ‘just deserts’ model of retributivist justice was being suggested in Britain, culminating eventually in the government’s 1990 White Paper, *Crime, Justice and Protecting the Public* leading to the Criminal Justice Act in 1991 (Home Office, 1990). Although the paper explicitly rejected the language of deterrence, the guiding principle of the new Act was to very clearly be “desert or proportionality” (Wasik and von Hirsch, 1990, p508). The Act heralded the change in community based sentences from alternatives to sentences to sentences in their own right, that is, they had a just deserts, punitive purpose, rather than being primarily concerned with rehabilitation (ibid.).

So, it can be seen quite clearly that there were major forces working against the perpetuation of the long standing ideology of penal-welfarism and a concern with rehabilitation, and these forces were creating “a pervasive sense of disillusionment and pessimism” (Garland, 2001, P61). According to Bottoms (1980), three powerful criticisms can sum up the attack on rehabilitation: it is theoretically faulty, it is discriminatory and it is inconsistent with justice. These themes equate to a summary of what we have already looked at, that is, Martinson’s criticism of rehabilitation not being effective (theoretically faulty) and the Friend’s Society and other radical thinkers pointing out the dangers inherent in ‘discretion’, punishment being linked to agreement to ‘treatment’ and lack of attention to poverty and inequality (discriminatory) and judgements made on impressionistic and

scant information (inconsistent with justice). Essentially, according to Bottoms, the underpinning problem is the “coercive nature of the rehabilitative ideal” (Bottoms, 1980, P 3), and the most influential response to this was the promotion of the “justice model” (ibid. p10) as described above. Bottomley (1980) describes how, in essence, the demise of rehabilitation left a very significant vacuum, and the justice model was ready and waiting to step in to fill the gap.

Garland (2001) suggests that the power required for the demise of penal-welfarism was generated by radical thinkers (for example, American Friends) and reactionary thinkers (for example, Wilson) coming together in their criticisms of rehabilitation, and therefore, of penal welfarism. Whilst radical thinkers had proposed universal community improvements, and supported a more equal society, reactionary thinkers fairly and squarely held individual offenders responsible for their transgressions. These were peripheral (though extremely important) differences, however, and the central criticism of the penal-welfare approach was promoted by both schools of thought. The irresistible force of this, then, brought about the end of, as Garland states, a “century long correctional project” (Garland, 2001, P 63).

2.1.4 Recent History

Barnard (2008) states that the end of the previous era was signalled by political developments in many western countries involving the rise of Conservative Governments. In Britain, a Conservative Government was elected in 1979. Mair (2004) states that during the majority of the era of Conservative rule (1979 – 1997) probation in England and Wales

went through a period of depression, as a result of loss of status, loss of public confidence and, Garland (2001) would suggest, as a result of the above discourse involving both radical and reactionary thinking. According to Mair, recovery of the probation service was prompted by a meta-analysis known as the ‘What Works’ research which had been undertaken in Canada by Andrews et al. (1990). Amongst other practice principles distilled from the findings, Andrews et al. promoted working with offenders via groupwork programmes based on cognitive-behavioural psychology. Mair further suggests that this very well respected study was embraced and promoted by the Probation Service and was vastly instrumental in its salvation (including the restructuring of the service around programmes of manualised, cognitive-behavioural groupwork).

In Scotland, the government responded to the concerns from the judiciary and from academics discussed earlier, that work with offenders was subsumed within generic teams, and reorganisation took place, creating specialist criminal justice teams and agencies (McNeill and Whyte, 2007). Also, *National Objectives and Standards for Social Work in the Criminal Justice System* (NOAS) (SWSG, 1991) were introduced, detailing expectations and standards for social work with offenders. Considering the introduction of NOAS further, McCulloch and McNeill (2011) state that they (the standards) “also signified and enshrined a recalibration of the underlying ideology of criminal justice social work” (McCulloch and McNeill, 2011, p 186). No longer was welfare unquestioningly the priority; rather, a ‘responsibility model’ had taken its place. Offenders were to be held to account for their actions (and their thinking was to be ‘corrected’), although understanding their particular context was still a requirement (McCulloch and McNeill, 2011, p186). A short time after this, the effects of ‘what works’ began to be felt in Scotland, for example

the advent of accredited programmes of cognitive-behavioural work and structured risk assessments (McCulloch, 2005).

Cognitive-behavioural work is characterised by “cognitive restructuring” (Scott and Dryden, 1996). In essence, this involves identifying thought distortions, minimisations and excuses and challenging these, with the aim of changing how the offender thinks, which very much resonates with the scientific approach of early probation workers, as already discussed. The other strand involves practising new ways of behaving in response to ‘triggers.’ Although the aim in cognitive-behavioural groupwork is to treat the individuals within the group, if thought distortions are assumed to pertain to the whole group and are the targets of a manualised programme of ‘cognitive restructuring,’ then the underlying premise is that all offenders ‘think wrongly’ in the same way. It can be suggested that programmed cognitive-behavioural ‘treatment’ with offenders, delivered either individually or via groupwork, is premised on quite a stereotypical and pathologised view of offenders (Kendall, 2004), within which elements of the medical model, discussed earlier, exist (Martinson, 1974, McWilliams, 1983).

In actuality, of course, offenders are individuals with unique survival strategies, values, ways of looking at the world and responses to “the facts and conditions of our society” (Martinson, 1974, p49). In fact, McNeill et al. (2005) note that “although there are certain commonalities, for example among young people involved in persistent offending, the categorisation of their characteristics, needs and deeds.....tends to conceal their differences” (McNeill et al., 2005, P35). Interestingly, McNeill (2004) describes an aspect of ‘managerialism’ as “a homogenising approach that predictably struggles to cope with the heterogeneity of offenders to which practitioners must respond on a case-by-case basis”

(McNeill, 2004, P428). Furthermore, in the same article, McNeill states that “managerialism’s production and reproduction of uniformities of thought and practice....neglect the individual-level view” (ibid. P428). Therefore, the adoption, in Scotland, of ‘What Works’ influenced practice is congruent with the advancement of a managerial culture, including its erosion of attention to the individual, the homogenising of offenders and mirroring the direction of the probation service in England and Wales. However, McNeill (2004) also acknowledges that “the very different context for probation in Scotland might have been seen as a protective factor against the adoption of the crude reductionism of correctional approaches and of increasingly punitive penal politics” (McNeill, 2004, p423). As well as a unique legal and policy framework, the ‘different context’ for work with offenders in Scotland is characterised by the persistence of the requirement for a social work qualification which lends itself to social-welfare concerns (Tata, 2010), workers employed by local authorities and not by central government where the nuances of, often media-driven, political influence are more keenly felt (ibid), and a less centrally driven and prescribed approach, allowing for a more diverse interpretation of evidence-based practice and the less wholesale adoption of a correctionalist approach (Munro and McNeill, 2010). So, there is a unique Scottish context to work with offenders, but did it offer any protection?

It seems that, by the end of the 1990s, the same dichotomy, which brought rehabilitation to its knees in the 1970s, remained a real tension in CJSW in Scotland. The Kilbrandon, welfare ethos providing the unique context for work with offenders promotes welfare and, thus, helping. This allows for work to be done to alleviate hardship, inequality and poor circumstances, by assisting and helping. However, government and policy direction in England and Wales was promoting a model more in keeping with the ‘justice model’

whereby sentences were more punitive and controlling and public protection was the central issue. Correctional methods (for example, accredited, cognitive-behavioural programmes) were central to the work of the Probation Service. Within a justice model, of course, coercive correctionalism sits quite comfortably with the idea that offenders alone are to blame for the choices they make regarding offending and that inequality of opportunity and circumstance is unimportant. As McCulloch (2005) points out, Scotland felt the influence of these developments, as demonstrated by the responsibility model and the advent of accredited programmes and actuarial risk assessments. The question which arises is: to what extent did Scotland withstand these moves and retain its pro-welfare and helping stance against “the crude reductionism of correctional approaches and of increasingly punitive penal policies” (McNeill, 2004, P 423)? The nub of the matter, it seems, is the notion of ‘helping’ in terms of welfare versus punishing and ‘correcting’.

McAra (1999) looks at this point in some detail, pre-devolution. She considers that most commentators on the changes that have taken place within penal philosophy have explored the situations in USA and England and Wales and have taken them to be typical of western systems as a whole. McAra disputes that this is the case, again suggesting that Scotland is unique and not affected to a great extent. She sums up the themes from the writers on ‘transformation’ (for example, Feeley and Simon (1992), Garland (1996) and Bottoms (1994)) as being threefold. Firstly, the writers have agreed that penal-welfarism has been eclipsed by actuarial justice, punitive and preventative strategies, just deserts and individual rights. Within this theme we see the management of risk classified offenders, the emphasis on punishment, the failure of governments to deal with high crime rates, and hence ‘active community’ and other programmes of prevention. Secondly, the writers agree that there is a shift towards managerialism and bureaucratic administration systems

characterised by a move away from tackling social change (which would have been in keeping with penal-welfarism) to key performance indicators, audits and internal regulation systems. McAra considers that the above two themes outline the changes that have taken place. The third theme relates to the reasons why. She states that the writers agree that the changes reflect deeper sociological processes, for example, the growth of the idea of an 'underclass', the acceptance of high crime rates as 'normal', the crisis for governments in trying to deal with them and the changing nature of social relationships involving changing patterns of work and increased technology.

In effect, then, McAra has succinctly summed up where we have come to in our exploration of the changes thus far. She then looks at the key question about the impact this has had on the unique Scottish position.

McAra looks at two aspects of CJSW in relation to the above issues, managerialism and risk management. She suggests that an increase in managerialism (via 100% funding of CJSW from central government, and the implementation of NOAS) has supported effective work with offenders rather than supplanted penal-welfare work. She states that because the 'what works' research encourages a managerial approach, and has been shown to be effective, then managerialism in itself is not in conflict with a penal-welfare approach. This argument, however, does not consider the reductionist, 'correctionalist' thinking which we have already looked at. Mechanistically applying cognitive-behavioural 'correctional' programmes to offenders does not encourage or support the personalised, helping, relationship-based work which is central to welfare. McAra also looks at risk management and, again, states that the emphasis on risk (which could be seen to support Feeley and Simon's 'new penology') has only served to sharpen the focus on social workers'

interventions, and has not supplanted rehabilitation. She states that NOAS state explicitly that offenders are better managed in the community because that better serves rehabilitation. This is consistent with Robinson's (1999) 'new rehabilitationism' whereby a 'what works' approach, risk management and rehabilitation can all co-exist. Robinson does state that this is a tentative conclusion and also admits that rehabilitation has been re-inscribed within a risk management framework.

The above argument, however, can also be viewed from another angle more in keeping with the writers on transformation. McNeill (2004) sums up the change from the court missionaries' "essentially altruistic" (McNeill, 2004, p422) endeavour to focus on the offender, help him with his problems, save his soul, identify his ills and give him 'treatment', the reduction in future victimisation being a positive by-product; to the situation where reduced victimisation is the product. Thus, when McAra talks about more efficiently reducing re-offending, then this has become the aim, rather than helping the offender as an end-in-himself. The argument now is that 'rehabilitation' is essential to public protection, future victims are helped by the rehabilitative process, not the offender himself (although this might now be the positive by-product). McNeill (2005) notes that the focus on reducing re-offending was seen as crucial to enhancing the credibility of probation and, as such, had to be based on the best emerging research evidence. It was thought that the still-sought-after reduction in the use of custody heavily depended upon this.

McNeill (2004) might be seen to support McAra's argument that the welfare ethos in CJSW was not eroded by surrounding changes, when he states that "At first sight the organisational settings of probation.....practice in Scotland might seem likely to at least

inhibit the development of unfettered correctionalism” (McNeill, 2004, p424). At this point, then, the question about the tension in Scottish CJSW between the ‘new penology’ and the traditional welfare model has been progressed somewhat. The picture may not be as binary as it appears on the surface and, again, reference to Garland’s ‘new configuration’ seems appropriate, for example rehabilitation being reinscribed within a risk framework (Robinson, 1999). Still unanswered, however, is the question of whether, within the ‘new configuration’, there is still a significant tension. McNeill (2005) explores this question further when he discusses developments just pre-devolution. His suggestions might compromise the assertion that Scotland can indeed withstand the “development of unfettered correctionalism” (McNeill, 2005, p424).

McNeill (2005) points out that by the mid-90s there was a growing emphasis on public protection in both England and Wales and Scotland. Due to the introduction of the Prisoners and Criminal Proceedings (Scotland) Act 1993, many prisoners were liberated subject to non-parole licences, that is, they had not been granted parole. Tragedies such as the Scott Simpson case in Aberdeen (McManus, 1997) meant that CJSW agencies had to pay strict heed to different levels of risk when dealing with prisoners released on different types of licence. Where a parole licence might suggest low risk, a non-parole licence, by its very nature and the fact that the offender had not been granted parole, implied increased risk (McManus, 1997). As McNeill states, advances in public protection practice and rhetoric from then on were rapid, and when *The Tough Option* (Scottish Office, 1998) was published, the minister responsible clearly stated “Our paramount aim is public safety” (McNeill, 2005 p 34). McNeill goes on to say that subsequent revision to NOAS and other guidance clearly reflected this change in emphasis.

So, at this point then, just pre-devolution, we have different issues impacting on the question of whether Scottish CJSW should be able to retain its welfare heart. Were social workers still able to help offenders, an endeavour defined as an end in itself, or was this only credible if a reduction in re-offending was the outcome (a socially included and rehabilitated offender simply a pleasing by product?). Also, was helping an offender and promoting welfare considered a laudable endeavour in a climate where public protection was paramount? How much were changes in policy and practice in US and England and Wales affecting policy and practice in Scotland? These were, perhaps, some of the questions being raised in CJSW as Scotland headed into devolution. Has devolution answered these questions? Croall, writing in 2005 would suggest not, as the following quotation demonstrates: “It has generally been argued that the Scottish approach to criminal justice shows a greater commitment to welfare than the rest of the UK. In the last few years, however, all elements of criminal justice have faced what ministers in Scotland have described as profound changes accompanied by a more punitive discourse.....many fear that Scotland’s welfarist tradition is under threat” (Croall, 2005, P 177).

2.1.5 Post-devolution

After devolution, Scotland’s parliament in Edinburgh was dominated by a Labour Party heavily influenced by New Labour policies (Croall, 2005). Croall suggests that the ‘popular punitivism’ developed by the preceding Conservative Government was seen to be an electoral advantage. Popular punitivism is the ideology that offenders choose to commit

crime and this cannot be ‘explained away’ by talk of poverty or disadvantage. The New Labour Party retained this concept to avoid the label of being ‘soft’ on crime (a common criticism of the ‘old’ Labour party) and it could be seen clearly in the well-known strap-line “tough on crime, tough on the causes of crime” (Blair, 2002).

Croall goes on to say that elements of ‘popular punitivism’ were in evidence in the 2003 election campaign in Scotland, where Jack McConnell made much of ‘the ned culture’ and ‘antisocial behaviour’. It can be seen, therefore, that the persistence of popular punitivism may well have posed a threat to Scotland’s welfarist tradition. Providing help and welfare for ‘neds’ is not in keeping with popular punitivism, and the idea that these anti-social offenders need to be ‘corrected’ sits far more comfortably. In fact, the Labour Party’s manifesto for the election promised a single agency for CJSW and the Scottish Prison Service, to be known as “The Correctional Service for Scotland” (McNeill, 2004, p425). Following the election, however, this was modified (by the Labour/Liberal partnership) to a promise to publish proposals for consultation regarding a single agency. The Convention of Scottish Local Authorities and the Association of Directors of Social Work, however, pledged to fight “tooth and nail” against the proposals, arguing that there was no justification or evidence that such changes would reduce offending (ibid. P425).

McNeill and Whyte (2007) point out that, although the above proposed changes were clearly in a correctional direction, the government also made explicit its continuing commitment to rehabilitation and penal-reductionism, for example, “In an important speech, McConnell (2003), argued that, ‘there is a balance to be struck. A balance between protection and punishment – and the chance for those who have done wrong to change their behaviour and re-engage with the community’” (McNeill and Whyte, 2007,

p10). However, importantly, the authors, and McNeill (2004), also note that the government is “quiet and discreet” (McNeill, 2004, p426) about the social inclusion of offenders. Is this perhaps in recognition of the electioneering power of popular punitivism?

The next significant development was the Management of Offenders (Scotland) Act 2005. This Act created Community Justice Authorities (eight groupings of CJSW local authority areas) as well as giving explicit direction about defining and managing ‘high risk’ offenders. The Act was operationalised via Multi Agency Public Protection Arrangements (MAPPA) mirroring the MAPPA arrangements in England and Wales. MAPPA is a system of multi-agency case-conferences which determine the level of risk of an offender (categorised into one of three risk levels) and formulate an action plan in response (Scottish Government, 2007). This would seem to be the clearest example of all of *managing* offenders classified by risk and of putting public protection at the heart of criminal justice work, and is very much in keeping with Feeley and Simon’s (1992) ‘new penology’. Even the language of the legislation and the policy make this explicit.

Therefore, at this point we have a very much bifurcated service: MAPPA and ‘High Risk’ or ‘Public Protection’ teams dealing with ‘potentially dangerous offenders’, and ‘ordinary’ probation teams dealing with lower risk offenders. Those social workers dealing with ‘high risk’ offenders are guided in their work by MAPPA meetings and instructions, and work closely with the police to carry out action plans. Sex Offenders will attend groupwork based on cognitive-behavioural principles (for example, C-SCOGP, (Safeguarding Communities – Reducing Offending (SACRO), 2009)) and they, along with other ‘high risk’ groups will be managed by MAPPA. Alongside this, ‘ordinary probation’ teams will send ‘lower risk’ offenders to general offending groupwork programmes such as

Constructs. *Constructs* is a programme of groupwork, based on cognitive-behavioural psychology and designed to “obtain a measurable reduction in re-offending for participants who complete the programme” (Criminal Justice Social Work, Development Centre for Scotland (CJDSCS), 2009, P8), which was piloted by the Scottish Government, beginning in 2007. CJDSCS was tasked with evaluating the programme and did so by analysing the psychometric tests which are administered before and after the programme. Re-offending data may be collected in later years, as follow-up evaluation. The psychometric tests measured problem solving ability, impulsivity and pro-criminal attitudes and beliefs and the extent to which participants feel responsible for their own behaviour (CJDSCS, 2009).

Clearly, then, *Constructs* is a correctional method, employing cognitive behavioural psychology and attempting to correct the offender’s faulty thinking and anti-social attitudes. This sits clearly in Martinson’s ‘disease model’ and within a ‘what works’ framework. Any other welfare needs must be purely criminogenic (directly linked to the offending behaviour) to be a target for social work intervention or help. The evaluation team were explicit about this (CJDSCS, 2009). The main findings from the evaluation were that attrition rates were very high (77%); targeting (medium or high risk) was, in the main, appropriate; participants “generally” move in a positive direction on the psychometric tests (but the small number of ‘completers’ is highlighted as a cautionary factor); feedback from participants was “overwhelmingly positive” (again, note small numbers completing); the vast majority of participants had other “criminogenic” needs, which practitioners were aware of and “working on”; and relapse prevention plans were found to be overly simplistic, and limited to only what the participants themselves could do to avoid re-offending; other problems such as poor housing or drug misuse were “ignored” (CJDSCS, 2009, P6). Overall, the evaluation group conclude that some objectives were met for some

participants. They suggest that, given the high levels of attrition, the programme content might need to be improved before being rolled out.

It is clear, therefore, that the *Constructs* pilot has not been an overwhelming success. It is also, as stated, an example of the advancement of a correctional rather than a welfare-based approach and that welfare issues which practitioners would traditionally have helped with, are often ignored. Therefore, currently we have high risk offenders ‘managed’ by MAPPA in a way most congruent with notions of a ‘new penology,’ and ‘other’ offenders also ‘managed’ via programmed, cognitive-behavioural work within a correctional framework, also in keeping with a ‘new penology’. Maybe, then, Scottish CJSW is not, in practice, withstanding the “development of unfettered correctionalism” (McNeill 2004, p 424)?

So, are social workers still working *with* offenders at all? Are they involved in anything like Kilbrandon, welfare, helping work? Should they be? The Scottish Government’s Social Work Services Inspectorate commissioned a literature review published in 2005 to support the review of social work: *Changing Lives: Report of the 21st Century Social Work Review* (Scottish Government, 2006), entitled *21st Century Social Work, Reducing Re-offending: Key Practice Skills* (McNeill et al., 2005). The review group was tasked with identifying what skills were required to work with offenders based on the most up to date research and evidence. The group decided to work back from the intended outcomes of interventions with offenders to the skills such a worker would require. As a starting point, the group took the three national priorities from *Criminal Justice Social Work Services National Priorities for 2001-2002 and onwards* (Scottish Executive, 2001) which were: contributing to public protection, reducing unnecessary custody and promoting the social inclusion of offenders. The review group point out that the third priority recognises the

“*intrinsic worth* of promoting the social inclusion of offenders *and* its instrumentality in reducing reoffending” (McNeill et al., 2005, P7, emphasis added), thereby illuminating an earlier point of debate. The rehabilitation of the offender is explicitly acknowledged as a worthwhile end in itself. The review group goes on to provide robust evidence that the offenders subject to community based disposals have very high levels of need, and to state categorically, that even if those problems do not appear to be directly linked to offending behaviour, they are important for supervision and must be considered in the work done. This is, perhaps, the first indication that social workers might have to work individually with offenders, teasing out the myriad of unique problems they may have, and helping with them. Again, this is contra to *Constructs* which concentrated solely on ‘criminogenic’ needs (CJDCS, 2009), and supports help for the offender as a primary aim, not solely as a means to reducing re-offending.

The literature review discussed above draws heavily on a body of work concerned with the concept of ‘desistance.’ Desistance from offending is the maintenance of not offending (Maruna, 2001). Desistance thinking takes us in a fundamentally different direction from previous ideas about ‘what works’ and questions about effectiveness in stopping people offending. The emphasis in desistance thinking is about what interventions might support an offender’s own journey to desist. As Ward and Maruna (2007) suggest, the question ‘what works?’ is probably the wrong one. We should be asking “what *helps* people go straight?” (Ward and Maruna, 2007, p12). Ward and Maruna’s perspective on the whole debate is that the far more modest endeavour of helping people to desist is different in several key ways to the provision of programmes of treatments or corrections which aim to stop people offending. The focus changes from service provider as ‘expert’ in providing treatment to an offender, to a service provider providing support to the offender’s own

desistance journey (offender as ‘expert’); if an offender is given help and continues to offend, the agency of the offender is not ignored, the person chose to reoffend despite the help (whilst also accepting that the help might have been inadequate); instead of the heavy reliance on the ‘science’ of meta-analysis and randomly controlled trials, the best way to find out what helps people to desist is to actually ask them; and desistance occurs in a person’s natural environment and thus if services are involved in supporting the process, they must become engaged in that environment, rather in the detached world of programmes, groupwork and other criminal justice processes (Ward and Maruna, 2007).

This, then, lays the foundational reasons for investigating the desistance literature. Can it help us, however, to answer the question posed earlier about whether social workers should be involved in helping, welfare work? To get closer to an answer, it is important to look at what the desistance literature tells us about the best ways agencies should be supporting offenders’ desistance endeavours. Maruna (2001) discusses three main theories in relation to desistance research. The first is maturational reform theory, which in essence is the recognition that most people mature out of crime. Maruna notes, however, that critics of maturational theories of desistance, whilst recognising that aging has an impact on desistance, point out that the theory fails to help us understand the how and why of that impact. Secondly, Maruna explores social bonds theory. This theory concerns the links that an individual has within their social world, for instance a relationship, employment, wider family or education, and suggests that the stronger these bonds are, the more of a “stake in conformity and a reason to go legit” an offender has (Maruna, 2001, p30). McCulloch and McNeill (2008) point out, however, that the research evidence supporting social bonds theory is complex and inconclusive which should “alert us to the fact that the relationship between the formation of social ties and desistance is by no means

straightforward” (McCulloch and McNeill, 2008, p156). Thirdly, Maruna recognises narrative theory as an emerging theoretical perspective on desistance. McNeill (2006) states “narrative theory has emerged from more qualitative research which stresses the significance of subjective changes in a person’s sense of self and identity” (McNeill, 2006, p46). Maruna (2001), via his research entitled the *Liverpool Desistance Study* uncovered key differences between the self-narratives of persisters and desisters. These differences included a renewed sense of agency, that is, the future is less in the hands of fate, and the individual can make active choices; a renewed sense of identity that explains, to the individual offender himself and to others, the logical progression to desistance, for example, “because of all that I have been through, I am now this new way” (Maruna, 2001, p87); a feeling that even when at their peak of offending, deep down the ‘real me’ was a good one all along; the influence of a significant other, often somebody who ‘believed in’ the offender; and the expressed desire to give something back to society or to make amends.

Farrall (2002) adds to the analysis of desistance with his suggestion that an objective change in a person’s life, which is subjectively valued by that person is the type of change which will support desistance. These changes are what social workers, therefore, need to support. This concept resonates with Hennessey’s suggestion that social work is based on relationships between workers and services users. To this end, workers must become involved not only in the service user’s “outer world” (behaviour) but also in their “inner world” (understanding why they are offending, properly ‘hearing’ their perspective, understanding their context, history and circumstances) (Hennessey, 2011, p87). In order to properly support desistance, therefore, a worker must really get to know the service user and both his or her inner and outer worlds.

McNeill (2006) suggests a further reason for embracing the desistance research evidence. He considers the original “non-treatment paradigm” (Bottoms and McWilliams, 1979) as discussed previously, which was underpinned by the notion that coercive ‘treatment’ was contradictory to social work values, particularly self-determination. As McNeill states, Bottoms and McWilliams hoped that by exposing the weakness of the ‘treatment paradigm’ they would allow a re-emergence of the core values of self-determination (the social worker does not know what is ‘best’ for the offender), hope and respect for persons. They rejected the objectification of offenders, where the expert social worker ‘diagnoses’ and ‘treats’ the offender, and, instead, promoted help and partnership. Help might be for any problem the offender feels they have, and Bottoms and McWilliams stated that was unashamedly the aim – to help the offender. They made no claims that this would reduce re-offending. Diagnosis is also discarded and shared assessment replaces it, collaboratively defined tasks are the basis for social work action. As stated earlier, the paradigm is premised on the offender being able to choose to be helped or not, with no sanction attached whatever is chosen. In essence “the authority for supervision derives from the court, but the authority for help resides in the offender” (McNeill, 2006, P42).

McNeill goes on to discuss the revised paradigm proposed by Raynor and Vanstone in 1994, where, in essence, the authors wanted to re-couple ‘helping’ offenders with a focus on influencing and helping individuals to stop offending. They were not advocating a return to treatment, but felt that Bottoms and McWilliams had rejected all forms of intervention, even those sitting outside the ‘medical model’(to which they so strongly objected). They also felt that victims were neglected in Bottoms and McWilliam’s paradigm and that ‘respect for persons’ should also be applied to victims. In effect,

probation had “to work to reduce the harms caused by crime as well as the ills that provoke it” (McNeill, 2006, P43). A desistance approach to work with offenders is, therefore, one way to fulfil this dual purpose.

At this point then, it can be suggested that the adoption of a desistance approach to working with offenders would generate a plurality of benefits and would resolve some long experienced tensions for any CJSW agency. These benefits and resolutions can be summarised as follows:

1. Helping/welfare work with offenders having a clear place within a desistance approach, because workers need to hear from offenders about what will support them to desist. Problems the offender has, beyond purely criminogenic needs, can be legitimately worked on. This is in keeping with the welfare duty of social work enshrined in the Social Work (Scotland) Act 1968.
2. Because desistance approaches are underpinned by a body of research, adopting such an approach should be effective. The evidence base would suggest that social workers are still fulfilling the aim of their agency: to reduce reoffending.
3. The emphasis on the relational aspect of the work brings an understanding of the individual and their life and allows workers to be responsive to people within their own environments (where social bonds and social contexts are so important).

4. Underpinning a desistance approach is a clear commitment to social work values.

The offender's right to self determination, respect and being the expert partner in deciding on work done/problems tackled is maximised.

5. Less of a likelihood of promising too much as a profession and consequently incurring blame when we cannot live up to our promises. 'We will stop people offending,' becomes the more modest aim of 'we will help people to stop offending.'

So, to sum up, desistance is the process of someone remaining offending-free. McNeill's (2006) argument is that CJSW should provide services which support the individual's process of desisting, rather than trying to provide expert treatment or correctional services. Desistance is a complex and individual process and CJSW services should be a subservient support service within that context. This would address some of Bottoms and McWilliams concerns about objectifying and doing things to the offender 'for his own good', but would also address Raynor and Vanstone's concern that social work, morally, has to connect its work to an attempt to reduce harm. By supporting desistance, CJSW would indeed do that.

Supporting desistance, therefore, would seem to address some of the original value dilemmas and to relieve some of the tensions inherent in working with offenders. To return to the *21st century social work, reducing re-offending: key practice skills (Key practice skills)* (McNeill et al., 2005), the skills which are highlighted belong in four sets, all concerned with effectively supporting desistance. Skill set one is about building

relationships which support change. The authors state that social workers need to be able to build empathetic, warm, respectful and genuine relationships, or as Hennessey would suggest, the social worker must work to be allowed access to the service user's "inner world" (Hennessey, 2011, p87). The approach needs to be person-centred and collaborative. The authors state that offering practical help is very important as it demonstrates concern for offenders as people and gives the worker legitimacy (in the eyes of the offender). Skill set two involves assessing risks, needs and strengths and is, again, based on working collaboratively, really listening to the offender and his reality and being able to ask difficult questions and create a culture where the offender can talk openly. This skill set is also about going beyond the standard risk assessment tools to the environment within which the information is gathered. Again, communication and relationship-building are vital so that assessments are thoroughly individualised and not solely based on commonalities and shared profiles.

Munro (2011) echoes the above in her review of child protection work, and suggests that social workers must "create a relationship where the parent is willing to tell you anything.....(and to know) how to ask challenging questions" (Munro, 2011, p87). Skill set three concerns delivering planning and interventions which are research-based. Social workers and service users must, together, know why what they are going to do has a chance of working. The review group suggests that because 'what works' implemented a centralised and homogeneous theory of change at a strategic level, the individual, nuanced applications of change theory were neglected. The evidence around social capital and how it is of utmost importance for desistance must also be considered in the light of the offender's narrative. Finally, skill set four focuses on managing change, in essence that

change is best managed by one, consistent, committed therapeutic worker, again the relational aspect of the work must be central.

In summary, then, it is evident that the literature is consistent in its messages about the importance of supporting desistance, building relationships and working in thoroughly person-centred ways with offenders. The evidence base in terms of desistance is very significant and robustly supports the effectiveness of this approach. Also, adopting a position where workers are supporting desistance means that they can work in a way which is completely congruent with social work values: self-determination, respect for persons, and building genuine, empathetic, person-centred relationships. So, to return to the original question, should social workers be working to help offenders with their problems? Is there still a place for Kilbrandon welfare? It would seem that, yes, such work, based on what the offender sees as important (or defines as problematic) is entirely consistent with the *Key practice skills* and the underpinning desistance theory evidence base. Given the picture of a managerial service, concerned with managing high risk offenders and offering compulsory, programmed cognitive-behavioural work, however, is it possible?

It can be seen quite clearly that *Constructs*, as outlined earlier, is not consonant with the desistance literature and *Key practice skills*. There is little about building therapeutic relationships, hearing from the offender what problems they are experiencing, offering practical help or thoroughly individualising assessments. The psychometric tests measure internal, diagnosed (or assumed) pathologies which the offender is seen to have, for example poor problem solving skills, external locus of control and anti-social thinking. The programme offers ‘treatment’ in line with cognitive-behavioural cognitive restructuring (Scott and Dryden, 1996). If *Constructs* was delivered as the only intervention, then a

managerial, administrative, purely correctional approach to working with offenders would indeed prevail. Although the evaluation group did note that other needs were recognised and worked on, the needs were very clearly defined as “criminogenic” and therefore not as the offender himself might have defined them.

Also interestingly, within the evaluation document there is no mention anywhere of the desistance literature and how it might be used to inform probation work more widely, for example how were social workers working on other needs? Why did those needs have to be directly related to the offending behaviour? Where is the mention of the relationship between worker and offender, and the ‘thoroughly individualised’ nature of assessment, problem definition and action planning? Where is the recognition that community and relationship links are crucial to desistance? (McNeill et al., 2005).

In conclusion, then, are criminal justice social workers undertaking the kind of work envisioned in *Key practice skills* in a context where Scottish CJSW has retained its commitment to welfare, or are social workers simply technicians, unconcerned with getting to know the offenders and mainly attentive to supervising their attendance at groupwork? It could be suggested that the original tension between these two positions still remains; helping, via dealing with welfare concerns which are important to the individual offender; and supervising correctional interventions and ensuring compliance with those measures. It would also seem that the direction from the Scottish Government also mirrors that tension; *Key practice skills* advocating relational, therapeutic, desistance based work; and the piloting of *Constructs* with little reference to the desistance literature.

It should be noted at this point that Scotland is at this very time operationalising ‘community payback orders’, contained in the 2010 Criminal Justice and Licensing (Scotland) Act. Community payback orders replace existing social work disposals, although probation-type work or ‘working at change’ remains as a core activity. The question still remaining is, therefore, how best to do that?

2.1.6 Conclusion

The original tasks of criminal justice social workers, to help alleviate the poor circumstances of offenders, grew from the penal welfare framework within which criminal justice agencies had operated for a hundred years (Feeley and Simon, 1992). This then became enshrined in legislation in Scotland via the Social Work (Scotland) Act 1968 with its central tenet of commitment to social welfare, and has been restated as a policy commitment to greater or lesser degrees over the years. Over the past few decades, however, this welfare ethos has also suffered from several attacks, mainly due to policy direction in the rest of the UK being on a far more punitive path, but also due to responsibility for offending being placed solely on the individual offender, an increase in public protection priorities, the adoption of ‘What Works’ thinking in terms of working with offenders (cognitive behavioural work) and the much increased focus on managing risk classified groups of offenders. The problematic tension between the commitment to, and the erosion of, welfare has a potential solution via the adoption of desistance-based practice which would allow helping to be reinstated legitimately within the work of criminal justice social workers. McCulloch and McNeill (2008), however, state that “the

mutated impact that the desistance literature has had on policy and practice is both surprising and problematic” (McCulloch and McNeill, 2008, p. 155). Therein lies the suggestion that, rather than being complimentary, desistance-focused work is in fact being overshadowed by the emphasis on correctional, cognitive-behavioural, programmed groupwork. Even as Scotland has taken a step further from a purely punitive agenda, by introducing ‘payback’ orders and a legal presumption against short term sentences, is the idea of social workers returning to the good old days of ‘helping’ offenders, palatable?

This section has ‘set the scene’ for further exploration of value tensions. The congruence of helping and welfare work and building relationships, with social work values is undisputed. If criminal justice social workers, however, are constrained in their ability to help with welfare needs, and to build individual relationships with offenders, what might this actually mean for them in terms of basing their practice upon their values? Why might this be important?

2.2 Disjuncture

2.2.1 Introduction

The previous section illustrates how developments in criminal justice social work in Scotland have led to increased managerialism, increased management of groups of risk-classified offenders, public protection firmly occupying centre stage, working with offenders via cognitive-behavioural programmes and less relational, helping work. What does all of this mean for workers feeling that they can base their work upon their values?

McIvor (2004), talking about the Scottish picture, states “One effect of these developments has been to depersonalise probation practice both for offenders and for probation staff. Although the critical role of supervisor as case manager is recognised....., the primary emphasis on programmes effectively removes the personal qualities and skills of the probation officer from the equation”. A similar picture emerges regarding those ‘high risk’ offenders *managed* by MAPPA. Decisions and action plans are taken and devised by MAPPA Case Conferences (Scottish Government, 2007) and the social worker follows instructions.

At this point, then, the question emerges; does the ‘What Works’ research, the programme based work, and the emphasis on public protection mean that there is no room for discretion, relationship building and the active employment of values in decision-making in criminal justice social work, even although, as we have seen in the last section, all of these elements appear to be crucial for desistance-based, effective practice?

This question is illuminated somewhat by Jones (2001) who interviewed Local Authority social workers in England and Wales. Jones found that Local Authority social work departments were grim places to work, populated by disillusioned and unhappy social workers. He interviewed workers with 8 years or more experience and focussed particularly on the nature of the relationships they had with their service users. Jones states that he was unprepared for the strength of feeling from social workers, which showed remarkable consistency regardless of setting. The roots of their stress and unhappiness lay in agency policies and practices – the workers felt that their job was about policing. Access to resources was extremely difficult, there was too much bureaucracy and paperwork, management were sometimes aggressive and often ‘managerial’, there was little contact with clients, and budgets, not people, were felt to be the central concern. Workers also felt that everything had become routinised and procedural with little opportunity to get to know service users and to really engage with them. In effect, workers felt that their job was not social work as they would recognise it. Although not explicit, could this suggest that social workers were unable to enact their values? Social workers reported feelings of stress generated by not being able to meet modest, essential requests. In other words stress was generated when social workers could not ‘help’.

Jones suggests that all of the above reflects a political agenda based on an extremely negative view of dependency (on the state). If dependency is to be discouraged, then reducing social work to the role of gatekeeper is logical. This leads to real frustration given that working *with* people is social work’s *raison d’être*. Workers also felt that New Labour had embraced the notion that social work was failing, rather than under resourced, and that there was a continuation of authoritarianism and punitivism from previous conservative governments. A social worker said “Governments believe that social workers can’t do the

job, therefore you turn it into a job that you do in boxes and you tick the boxes and do the job” (Jones, 2001, p555). It would seem possible that values brought to the job are being squeezed out under such managerial structures.

Preston-Shoot (2003) found similar themes in his review of the evidence from social work practitioners. Social workers reported “dehumanisation and depersonalisation” (Preston-Shoot, 2003, p 10) characterised by pressure to conform to aggressive managerial cultures, bullying and a lack of support. They also reported “demoralisation and disillusionment” (ibid) because they felt “unable to uphold the knowledge base and values of a competent professional” (ibid). Echoing Jones’ findings, workers reported a lack of time to build relationships with service-users, and an over-reliance on procedures and routines.

Jones (2001) also discusses New Labour’s view that waged work is the solution to society’s problems. However, he points out that many of those who cannot join the workforce are those who make up social work’s client base. Therefore, they are more troubled and distressed than before, but there is less help. This has led to ghettos and sink estates where almost all of social work’s work is concentrated. Caseloads are therefore full of heavy-end cases, service users feel hopeless and rehabilitation and prevention efforts have gone. Feeley and Simon (1992) would suggest that containment of the ‘underclass’ has taken its place. Preston-Shoot adds to this idea when he talks about “social brutality” (Preston-Shoot, 2003, p13), a process which leaves the most vulnerable in our society experiencing severe curtailment of life chances and lack of opportunities to meet needs. The whole concept is, of course, exacerbated by the increasingly wide divide between rich and poor in society.

So, given Jones' and Preston-Shoot's findings and the exploration in section 2.2.1 of the managerial nature of current CJSW, is it logical to wonder if criminal justice social workers feel frustrated about not being able to base their work on their values? Might there be some tension there?

2.2.2 The concept of 'disjuncture'

Di Franks (2008) uses the term 'disjuncture' particularly to mean the state of disjoinment between behaviour and values, and the resultant stress this produces. For the purposes of this discussion, then, we might suggest that the above social workers in Jones' and Preston-Shoot's studies were experiencing disjuncture. In the same vein, we might also ask whether social workers in CJSW are also experiencing disjuncture. To provide further context to this idea, an examination of Di Franks' study is essential.

Di Franks distributed 500 questionnaires to a random sample of social workers in the USA who were all members of the National Association of Social Workers (NASW). The response rate was 41%. The main purpose of the questionnaires was to measure the social workers' belief in the NASW Code of Ethics, the behaviour in implementing it and 'disjuncture,' that is, the stress felt when belief and behaviour are discordant. Di Franks had found that there was an absence in the literature of research into social workers' belief in the Code of Ethics. Respondents ranked their answers from 'strongly agree' to 'strongly disagree'. To measure behaviour, social workers were asked Likert-type questions about behaviour vis-à-vis the code e.g. "I promote client self-determination in the area of...".

Similarly structured questions were used to measure disjuncture e.g. “I experience stress because I am not always able to protect my client’s confidentiality”.

To measure beliefs, Di Franks employed the Professional Opinion Scale (POS) originally developed by Abbott in 1988. Abbott (2003) explains the further development of this scale from data collected from two studies – one in 1988 and one in 1998. The resultant questionnaire is a values assessment scale and is based around four dimensions: respect for basic human rights (including the elimination of oppressive rules), support of self-determination, sense of social responsibility and commitment to individual freedom. These four values comprise the overarching headings for four sections which contain statements, linked to the appropriate value, against which the social worker is asked to give a rating of strength of belief. The statements (or ‘factors’) are drawn from policy statements from NASW and, according to Abbott, although particular policy statements have changed over time, their commitment to the advancement of a social work value base comprised of the four elements, has not. Between the 1988 and the 1998 study, some refinement took place, with some statements being re-assigned to a different value and some being removed.

An example of the statements used to measure respect for basic human rights is “Retirement at 65 should be mandatory” – clearly a strong belief in this value would lead to a ranking of ‘strongly disagree’. Likewise, an example of a statement linked to a sense of social responsibility is “There should be a guaranteed minimum income for everyone”, (Abbott, 2003, p651), where a strong belief in the value would lead to a ranking of ‘strongly agree’. The final version of the POS contains 32 statements which are ranked as above. According to Abbott, the POS “continues to be a useful instrument to enhance the examination of values” (Abbott, 2003, p 664).

Di Franks found that social workers scored high for disjuncture (experienced stress) when their belief scores and their behaviour scores were discordant. So, when social workers could not behave in a way that was congruent with their value beliefs, they felt distress (this was significant at the $p < 0.05$ level). The highest correlation was a negative one between high congruence of behaviour and belief scores and low disjuncture. Therefore, workers who could behave in a way which was highly congruent with their value beliefs experienced low disjuncture. There was a positive relationship between beliefs and behaviour, but it was not significant. Di Franks points out that this might mean that Abbott's assumption that belief influences behaviour is questionable. An ideal outcome in social work terms is that belief in the code influences behaviour, but this is not necessarily the case. This is an important point because it begs the question 'why not?' What gets in the way? It may be that social workers' beliefs would indeed influence their behaviour if they were allowed the autonomy to let it be so, but that practice expectations and restrictions get in the way, as in Jones' (2001) and Preston-Shoot's studies explored earlier. This may be why stress is experienced when belief and behaviour scores are at odds.

Finally, there is no correlation between belief scores alone, and disjuncture scores. Di Franks suggests that this means that behaviour rather than beliefs lead to disjuncture. However, this may be because the POS measures belief in the value base of social work rather than the ethical expression of that value base, whereas the behaviour scores pertain to ethical behaviour in line with the code. This may mean that overarching basic beliefs might be interpreted as sometimes not wholly applicable to the task in hand (the behaviour). For example, a criminal justice social worker might score very highly in belief in terms of "commitment to individual freedom" e.g. "the employed should have more

government assistance than the unemployed” (strongly disagree) or “sterilisation is an acceptable method of reducing the welfare load” (strongly disagree) etc. (Abbott, 2003, p652). However, when specifically asked about practice induced disjuncture, may answer in a much more qualified way e.g. “I experience stress because I am not always able to protect my clients’ rights to privacy and informed consent” (Di Franks, 2008, p12). The social worker might well disagree with that statement because of the competing, and more highly prioritised value of social responsibility and keeping victims safe. This may be even more pronounced for those dealing with ‘high risk’ offenders, child protection matters, vulnerable adults at significant risk etc.

Some important related findings were that disjuncture was highest in ‘managed care’ (the nearest equivalent category to Care Management in Scotland). This, again, relates closely to the distress and unhappiness felt by the social workers interviewed by Jones (2001) and the finding that this was heightened in care management where budgetary concerns and procedures had taken the place of working with, and getting to know, people. Jones only considered Local Authority social workers, so it might well be that those employed in the voluntary sector feel very differently. According to Jones, they would not suffer from the stigma of public sector employment, the political view that public sector work is of poor quality and the resultant tightening up of practice.

In summary, then, Di Franks’ main findings, relevant to the exploration of disjuncture within criminal justice social work are:

1. Disjuncture is low when behaviour and beliefs are congruent. Therefore, low levels of disjuncture (stress) would be expected if social workers feel they can put their value beliefs into action.
2. Disjuncture is high when behaviour and beliefs are discordant. Therefore, if social workers cannot act on their values, we would expect to find disjuncture.
3. Belief does not necessarily influence behaviour. Although Di Franks suggests that this might call into question Abbott's claim that belief and behaviour are linked, it may be that the particular restrictions of the context impede beliefs influencing behaviour, hence the resultant stress.

In terms, then, of the current situation in CJSW, might it be that social workers are experiencing disjuncture? Looking at the above study, it seems possible that this might be the case. According to Jones and Preston-Shoot's findings, disjuncture might be expected in any statutory social work setting, and if the changes outlined in Section 2.1 are also considered, then it is logical to propose that social workers in CJSW might indeed experience some sort of disjuncture.

In 2009, Calderwood et al. undertook a study of values and behaviour conflict experienced by ethnic minority students undertaking a Bachelor of Social Work course in Canada. Calderwood et al. found that the students had real difficulty in behaving in a way which promoted an 'individualistic' view of service users. They felt that this was at odds with their own value systems which prioritised family commitment, community life and traditional roles of men and women. To encourage and support a service user to think

about themselves first, before family or community, was problematic. Students reported that they experienced distress. The researcher was surprised at the strength of feeling expressed, illustrated by, for example, a focus group running well past time and people leaving but returning, just to air their thoughts and feelings of conflict and distress. Another interesting point was that the students felt value conflict when their statutory role would not allow them to 'help' as much as they would like to. So, restrictions on what a social worker was expected to do within their role, added to the distress experienced. It would seem, therefore, that once again research has suggested that when values and behaviour are discordant, social workers experience disjuncture. Calderwood et al. suggests that in order to alleviate the disjuncture experienced, students had to be allowed to air different views, consider other value positions and be supported to discuss all of the conflicts. So, a climate where this was allowed and encouraged was important for students to begin to reconcile their feelings and cope with the disjuncture experienced. In other words, students needed to be able to discuss views which were not congruent with the 'party line' and to have their opinions listened to and valued.

This suggestion is consistent with findings from a study of predictors of ethical stress experienced by social workers in health care settings (O'Donnell et al., 2008). One of the main results from the study was that overall, workers felt quite low ethical stress, but that this was influenced positively by the ethical climate which included ethically sensitive supervision, positive support for ethical reflection and discussion. The study also looked at whether workers felt they could take 'moral action' and act in line with values, and findings suggested that this was more likely when low ethical stress was experienced. Therefore, behaviour could be influenced by belief (values, morals) when ethical stress was low; and when beliefs and behaviour were congruent, this produced low stress. This is

consistent with Di Franks (2008), but also demonstrates that belief can influence behaviour when the climate is conducive to that. Therefore, ethical stress is lowered by a positive ethical climate. One question which might arise from this study is that would the converse also be true? That is, when moral action (acting upon one's values) is felt to be impossible, does this lead to heightened ethical stress? This would, again, be congruent with Di Franks' (2008) findings in that not being able to behave in a way which is true to your values, leads to disjuncture or ethical stress. Preston-Shoot (2003) found that one consequence of the restrictive contexts social workers found themselves in was "internalised oppression" (Preston-Shoot, 2003, p12). In other words, workers felt that any attempted action to relieve the hardship of services users' lives, was futile, so why should they continue to try? Preston-Shoot considered this to be a "resigned acceptance" (ibid), a concept which reinforces O'Donnell et al's suggestion that moral action is only possible when ethical stress or disjuncture is lowered by a positive and supportive ethical climate. In the evidence gathered by Preston-Shoot, cultures were reported to be extremely unsupportive, thus, perhaps, leading to disjuncture for workers and a consequent inability to take action.

Finally, and very importantly, greater levels of ethical stress were found to have a significant correlation with less job satisfaction, social workers wanting to leave their jobs and social workers planning to do so (O'Donnell et al., 2008). Clearly, then, the importance of disjuncture and the influence of the ethical climate of the agency, should not be underestimated.

To further the above discussion, we might wonder what the necessary conditions would be for disjuncture not to be experienced. Kosny and Eakin (2008) undertook a study in three

not-for-profit agencies in Toronto, looking at the “hazards of helping” and stress identified by the workers in the three agencies (Kosny and Eakin, 2008, p 149). The service user groups were drug users, homeless people and socially isolated or homeless women. The researchers undertook observations and interviews and one of the main findings was the workers’ belief in the ‘mission,’ in other words, their commitment to ‘helping’. This was manifest in permeable boundaries around tasks and roles, the fact that the work centred around meeting the needs of the service users, staff ‘mucking in’ and responding in ways which were needed and workers coming to know clients very well and developing a real understanding of their histories and situations. In Kosny and Eakin’s study, workers were very able to respond in the way they wanted, to the extent of working after hours, having loosely defined roles and tasks and simply being able to do what was needed.

Kosny and Eakin’s study also found that workers held a set of key beliefs which included: the main task is to help and support marginalized clients, workers should always treat service users with dignity and respect, they should know the service user properly, in order that they were “not just another dirty face” (Kosny and Eakin, 2008, p154), they should treat people with kindness and care, they should accept service users for who they are and that they should believe that these particular groups of socially excluded service users are the victims of an unjust and oppressive society. In the three agencies, then, workers were able to base their ‘helping’ actions firmly upon their core beliefs underpinned by both interpersonal values and social justice values. The agencies ‘allowed’ the workers to ‘go the extra mile’ to respond as necessary and to ‘muck in’ in order to help. The agencies encouraged the workers to really get to know the service users, to view them as having been treated harshly by society and to treat them with dignity, respect and warmth. In other words, behaviour and value beliefs were entirely congruent. Workers in Kosny and Eakin’s

study did not experience disjuncture which is consistent with the literature studied thus far. Jones' (2001) respondents experienced significant amounts of stress because they were unable to work in the above way; they could not help and care in a way which would be consistent with their values.

Interestingly, the workers in Kosny and Eakin's study felt stress when they acted contrary to the agency's and their own values. Therefore, if they felt they had acted with intolerance, had not helped as much as they could have, were disrespectful to service-users, then they felt stress and unhappiness, and were quick to correct this via an apology or other reparation. Also, hearing and understanding about the dire realities of many of the service users' lives, and having an inability to help or to influence structural obstacles to alleviate the problems also led to feelings of stress. On the other hand issues with personal safety (for example, passive smoking or doing home visits where there might be risks) and experiences of verbal aggression were not experienced as stressful because workers viewed the service users as not wholly to blame. They understood the service users in the context of being victims of an oppressive society, and in the face of the harrowing realities of their lives, the workers did not want to complain about their relatively puny concerns. All of this illustrates a belief in, and clear understanding of, social justice.

To sum up then, the workers in this study saw their work as a moral enterprise. The service users were viewed as being rejected by society and deserving of caring, kindness and respect. Workers personalised the work and getting to know the person and their "inner world" rather than simply their behaviour (Hennessey, 2011, p87), was absolutely central. Service users' problems were seen as not being solely the fault of the service user (but also as a consequence of social injustice). An important point here is that many of the service

users in this study were offenders as well as, for example, homeless people or drug misusers, and yet they were still viewed as deserving, a concept which was raised in Section 2.1.2. It seems that in Kosny and Eakin's study, the service users were deemed to be deserving of help, respect, care and humanity regardless of judgements of redeemability. They were deserving of these things simply by virtue of being human and being in need.

It would seem, therefore, that when expected behaviour and values are very much in tune, workers not only do not experience disjuncture, but are able to cope with very demanding work which might otherwise be perceived as very stressful indeed. Stress was still generated by workers being unable to 'help' at times, but this was not due to agency induced restrictions, but rather structural, societal restrictions. Interestingly, none of the workers interviewed wanted to leave their jobs, a result which is very supportive of O'Donnell et al.'s finding that the less the disjuncture, the less frequently workers want to leave.

So far, then, the literature seems consistent in its messages. When social workers cannot base their behaviour upon their values, they experience ethical stress or disjuncture. This can manifest itself in workers wanting to leave their jobs, feeling unhappy and having little job satisfaction. Disjuncture can be alleviated somewhat by an agency having a supportive ethical climate where values are discussed and different value positions are considered worthy. Disjuncture is alleviated very significantly when, of course, workers can operate in a way which is entirely consistent with their value base, as in Kosny and Eakin's study. As well as the ability to help, the workers in the study were also able, and encouraged, to care. Is this a key?

2.2.3 Should social workers ‘care’ for offenders?

McNeill (2000) undertook interviews with CJ social workers about what they viewed were the best measures of effectiveness. He stated that he expected to reveal operational tensions because of the competing demands of the particularly Scottish context. He stated that workers might be “caught between the welfarism of the ‘Kilbrandon era’ and the more contemporary just deserts and public protection agendas” (McNeill, 2000, p386), as per section 2.1.4. He goes on to say that the renewed interest in justice (or justice model?) and public protection is likely to cause conflict in a service which has had welfare at its heart for the past 20 years. So, in terms of disjuncture, McNeill was expecting to uncover this type of distress. Would workers, who essentially believed in the values of welfare (caring, helping, building a relationship) find the behaviour demanded (strict supervision, sanctions, programmes of work, procedures to be followed) at odds with their beliefs? If so, then Di Franks’ (2008) study would suggest that they would probably experience disjuncture. Surprisingly, McNeill found little of the expected tensions. Social workers rated outcome measures as the most useful measures of effectiveness, and were not preoccupied with process measurements such as following NOAS (Social Work Services Group, 1991). McNeill interprets this as workers having higher professional expectations about doing a good job. They were not simply interested in following the procedure, but wanted to indeed have an effect. Workers themselves said that their values had been affected by policy but that they were still able to achieve congruence between their values and operational policy. They understood the different agendas held by different stakeholders and could appreciate the complexity of that picture. Workers associated

success with reducing reoffending by working, in partnership, on underlying needs. They also associated success with improvements in quality of life and the actualisation of potential. These endeavours are not at odds with social work values, and it may be that lack of disjuncture was found because social workers were still ‘allowed’ to work in this way and base their work on their values. In fact, workers placed a “still stronger emphasis on meeting the probationer’s needs, empowering them to actualise their potential, improve their quality of life and achieve change” (McNeill, 2000, p391). A reduction in offending was viewed as a consequence of these things. Therefore, workers had assimilated the new demands for accountability and the demonstration of effectiveness, but could do so whilst adhering to their value base. It is interesting to note that this study is ten years old and it may be that the managerial practices and the consequent reduction in autonomy in CJSW (McNeill, 2004) had not yet taken a firm hold.

The other major finding from the study was that workers highlighted the different meanings of success. This is graphically illustrated by an example given by a worker of a young girl, misusing heroin by injecting into her groin, funding this through prostitution, homeless with absolutely no support. NOAS were not met, offending was not reduced and yet the young girl survived and was kept safe through the endeavours of her social worker. This would not register as ‘success’ in any audit of cases and yet a life was, perhaps, saved or at least made tolerable. The worker felt that this was a success. Related to this, the respondents were asked to link their cases to the Cycle of Change (Prochaska and Di Clemente, 1984) and to say what they did and when. The response was very strongly ‘it depends where they (the service user) is at’. In other words, when at the ‘action’ stage, workers would support this with practical help, encouragement, accessing opportunities etc, but when they were not at this stage, the workers had other goals, for example, helping

with shelter, food or staying alive. It seems that CJSW needs other measures of success for service users who are not at a point in their lives to accept help to 'self actualise' but might need something else entirely. This resonates with the idea explored earlier that those who could not (or would not) accept help were then dismissed as failures. With the current measures of success, this is happening in CJSW. And, as Jones (2001) points out, more and more of social work's client base is comprised of people in those direst of circumstances. Therefore, social work values would guide us to work just as hard with this most vulnerable group as with those demonstrating success, but our structures might not allow it (orders breached, return to court, custody).

In McNeill's study, workers still had some discretion to implement tailored responses and might it be this which helped them avoid disjuncture? Was the expression of caring also contributing to the minimisation of disjuncture? Some of the findings from Kosny and Eakin's study also resonate with these suggestions, for example workers in McNeill's study felt compelled to 'help' and care even when these actions did not fulfil the requirement for demonstrating success. Workers felt comfortable about this, however, because they were able to act in a way which was congruent with their values; responding to needs, offering help and caring about the service users. Workers' complaint was that this work did not register in the measuring of success, but at least they were still able to do it.

This study then, offers a different perspective from Jones (2001) although they were undertaken at around the same time. As stated, it may be, that within CJSW in Scotland at that time, social workers were 'allowed' the autonomy to decide how to work with people, to attend to their needs and to continue work with those on the very margins of society. If this was the case, then the low level of disjuncture found is unsurprising. It seems, then,

that a key idea is that social workers have the autonomy to respond to individual service users' needs. Social workers need to be 'allowed' to be responsive and this would, of necessity, be based on comprehensive knowledge of the service user. So, these features might be key elements in the avoidance of disjuncture.

When social workers can respond in the above way, and in the way they responded in Kosny and Eakin's study, could we consider their behaviour to be about 'caring'? Manning (1998) undertook an exploration of the 'ethics of care' which she described as a way of understanding one's moral role which is more complex than simply following a list of ordered ethical principles. She also drew on literature to differentiate between the masculine 'voice of justice' and the feminine 'voice of care'. A justice voice is cognitive in nature and concerns applying moral principles, rules and procedures to situations and dilemmas. This way of understanding ethical decision making and problem solving is still very much present in current thinking (e.g. Reamer (1990) and Loewenberg (1996)) and might fit quite nicely with the proceduralisation and managerialism in CJSW, for example following lists of rules and applying principles in an ordered fashion. Manning, however, suggests that there is another way to understand ethical action. The ethics of care involves moral attention to the person and the situation in all its complexity, sympathetic understanding and an attempt to identify with the service user. Relationship awareness is central, including the relationship with the service user and all the important relationships which that service user has. Manning suggests that in order to apply an ethics of care framework, a person must have time to really get to know the service user, to build relationships with them and other important people in the situation (and if there is not a relationship network, should work to build one) and also to build mutual trust. In essence, the ethics of care is relationship based and is built upon a recognition that we are connected

beings, existing in a network of others. Therefore, this must be a fundamental consideration. Manning states that we must also be aware of the ‘comfort’ of the service user and to do this, it is suggested that the social worker has to know what that means for each individual service user, that is, what is important to them?

Gregory (2010) undertook a study of fifteen experienced probation officers in England, explicitly looking at how the vast changes in their practice context had affected them. In essence, Gregory found that the practitioners were experiencing ethical stress because of restrictions in the way they were able to work with people, especially in not being able to respond to ‘need’ (help?). The standardised, procedural tools of the work, the low priority given to the actual content of work with people, the technicist nature of supervision and the lack of autonomy all combined to produce an ethically stressful environment. However, the participants in the study were able to ameliorate the worst effects of disjuncture by resistance. For example, regarding the use of the assessment tool a participant said, “it’s all fine and dandy.... but I’m not really going to use it to make the assessment” (Gregory, 2010, p2281) and gave examples of ‘real’ case discussions happening informally between colleagues, not with managers. The author suggests that these (very experienced) workers managed to resist the worst excesses of the changes because of their “ability to think critically and reflexively. In this way they are able to *retain their value base* and to construct for themselves a form of subjectivity in which they continue to see themselves as social workers” (ibid. P2280, emphasis added). The author goes on to say that the value base the participants adhere to is an ethic of care in that they have real and enduring interest in, and concern for the complexity (and often dire circumstances) of the offenders’ lives and that they understand the importance of their relationship with the person, the

importance and subjective nature of that person's relationship network and wider subjective reality.

Gregory's suggestion is exactly congruent with Manning's point that we need to increase the 'comfort' of the person's life, and therefore need to understand their life properly. Gregory sums up succinctly when she states that the participants understand that their practice is based not on "the instrumental application of scientifically derived method to subject...(but on)...relationships between the *helper and the helped*, in which decision making is indeterminate, reflexive and based upon values" (Gregory, 2010, p2282 emphasis added). Participants were also absolutely clear that their job was to still find connectedness to people who had often done terrible things, even when a technical response would satisfy the agency. Therefore, then, these experienced practitioners, who had trained as social workers, were able to reconcile their value base and reduce disjuncture to a manageable level, by resisting the dominant culture, perpetuating an ethic of care and, within that, helping where possible.

Another central theme from the study is that participants did not attend to an ethic of care at the expense of attention to risk or challenging offending behaviour. It was clearly not an 'either/or' but a 'both'. And, as already discussed, helping offenders and employing an ethic of care is exactly in keeping with the desistance research and may therefore also be a more effective way of reducing re-offending. It would also seem that in Kosny and Eakin's study workers fulfilled all of the principles of an ethics of care in that they really got to know the service-users and gained a thorough understanding of their situations and histories. They also empathised and felt compassion for the circumstances the service users were in (moral attention and sympathetic understanding). The workers understood the

importance of the relationship with the service user, and worked hard to reconnect them with their communities (importance of relationships). Quite clearly, then, workers responded in an ethically caring way. It is obvious that any decisions made or any ethical conflicts would be considered within this framework. What about the workers in McNeill's study? It is difficult to ascertain just how much 'caring' was going on as a rule, although in some of the case examples, an ethics of care approach was obvious. The example given previously of the young heroin user illustrates this well. The worker did not simply apply a procedural list (an offender not complying, and therefore might be presenting a risk to the liberty of others in the community. She has therefore forfeited the right to her own liberty and must be reported to the court). The worker, instead, attempted to 'help' the young woman, by paying real attention and gaining sympathetic understanding of the dire circumstances of her life, by building mutual trust and a real relationship with the service user, by accommodating her needs (very basic, survival needs in this case) and by responding in a way which was about her needs rather than CJSW targets. So, in these extreme cases, it seems that in 2000 the workers in McNeill's study were allowed to 'care'. The question still remains as to whether the ethics of care had a place in more standard practice, and whether the same picture would emerge in Scotland today. Gregory's (2010) study, interestingly, found that experienced workers were still caring for service-users, but managed to do so only by resisting the dominant culture, and having the confidence to do so. It can be assumed, therefore, that although the workers cared and helped as far as possible, the actuality of the practice was curtailed by the restrictive framework, hence workers describing resultant stress (disjuncture).

It is inevitable that a question must also arise asking 'is it appropriate to apply an ethics of care to offenders?' The workers in Kosny and Eakin's study saw the service users as

clearly deserving of care, but they were not labelled as offenders. Might this make a difference? The first point to consider is that the stated *raison d'être* of CJSW is to reduce offending behaviour (rather than provide 'help' unconditionally, as discussed in section 2.1.5 (Raynor and Vanstone, 1994)). This then raises the question about how that should be done. What is effective? In section 2.1.5, *Key practice skills* (McNeill et al., 2005) and the desistance literature were explored. The question is, are they congruent with the ethics of care?

As stated in the previous section, McNeill et al. (2005) distil the evidence about effective practice into four broad skill sets. Skill set one concerns building relationships with service users which are characterised by accurate empathy, respect, warmth, 'therapeutic genuineness', a partnership and agreement about what the work will involve and mutual trust. The relationship must also be explicit and fair, and the worker must offer practical help where necessary, demonstrating that offender is a concern "as a person" (McNeill et al., 2005, p33) as well as an offender. This is congruent with several principles of Manning's ethics of care. For example, the emphasis on relationship between worker and service user, and the importance of such is central to both approaches. The fact the worker must be genuine in their interaction, develop mutual trust and convey accurate empathy also mirrors Manning's 'sympathetic understanding' in that both are concerned with the worker really understanding how the service user thinks and feels. Skill set two concerns risk, needs and strength assessment. Once again, the relational aspect of risk assessment is highlighted. The authors discuss the limitations of the procedural methods of risk assessment (and workers' over-reliance on them) and highlight the fact the service user must be able to be really honest with the worker. The worker must also be able to ask the difficult questions. Clearly, then, it is essential that they have a good relationship. The

other key message is that interventions must be “thoroughly individualised” (McNeill et al., 2005, p35), because the desistance literature tells us that the offender’s subjective opinion about what is important to him is fundamental in promoting desistance. This concept does not imply that intervention should only tackle individual problems, seen to lie ‘within’ the offender, but that proper cognisance must be taken of the effects of poverty, oppression, deprivation, boredom or whatever the individual offender points to as significant. The worker must really ‘hear’ the offender’s story and must develop accurate empathy in order to ascertain what is important to the service user. Only then will the worker (and service user) be able to develop a plan of action.

The above links, again, with Manning’s principles of moral attention, sympathetic understanding and responding in a way which considers ‘comfort’. Skill set three concerns delivering research based plans and interventions. The desistance research has been covered earlier, but to reiterate the key messages, interventions must, again, be individualised and based on a thorough assessment, and that there must be an emphasis on “social capital” (McNeill et al., 2005, p36). Social capital involves relationships, with family, friends and social networks. Clearly then, there is a link to Manning’s principle of really getting to know the service user (moral attention) as well as to the centrality of relationship networks. The suggestion from Manning that where there is an absence of a social network, the worker must help to create one, is exactly congruent with the message from McNeill et al. Finally, skill set four concerns managing change. The authors recognise that change is difficult and supporting change equally demanding. Workers need to demonstrate commitment and consistency (again reflecting the importance of the relationship) to support the process.

It can be clearly seen above that the ethics of care has a very significant place within the approach recommended by recent literature from research. Therefore, it is not wrong to 'care' for offenders but, in terms of effectiveness as well as values, absolutely necessary. *Key practice skills* recommends additional elements which would supplement the ethics of care (such as dealing with compliance, delivering problem-solving and cognitive-behavioural work) but none of that would be in conflict with an ethics of care approach, both strands could be integrated into a holistic approach to working with offenders.

A study by Phillips and Bourne (2008) looked at the impact of workers' values on outcomes (effectiveness). The service users in this study, as in Kosny and Eakin's study, had problems broadly similar to those experienced by CJ service users including substance misuse, homelessness, lack of employability skills and socially exclusion. The researchers found that workers who had less conservative, traditional values were more likely to achieve better outcomes. So, those workers who would take a chance, respond individually to service users and not simply follow the procedures were more effective. The organisational structure was very 'flat' and decision making was devolved and innovative, so workers felt supported to be innovative themselves. It is very significant that the less procedural, the more responsive the workers were, the more effective they were, as responsive workers are essential within a desistance approach, *Key practice skills* and an ethics of care framework. In this agency, because of the management structure and shared values, workers were allowed to help, care and to build relationships with service users and this produced tangible benefits in terms of outcomes as well as reducing disjuncture for the workers themselves.

So, in terms of effectiveness, of avoiding disjuncture and of following research and messages from literature, it would seem that workers being able to ‘care’ for offenders and to base their work on their values would be a very positive and important development. It also would appear that a key to this is the adoption of a desistance approach to work with offenders.

2.2.4 Variables which might influence ‘disjuncture:’ Part 1

Thus far, then, certain features of CJSW have been identified which, it would appear from the literature, might influence a worker’s experience of disjuncture. The first is the approach taken by an agency to the work actually done with offenders, that is, ‘how the agency works with offenders.’ If an agency embraces a desistance approach to the work, with emphasis on responsivity, relationship building, helping and caring, then it could be suggested that value-behaviour congruence should be attained. An approach which is the polar opposite of this, characterised by proceduralised, public protection and risk management dominated work, with a heavy reliance on manualised, correctional programmes might create a context within which disjuncture might flourish. ‘How the agency works with offenders’ is therefore the first variable which the research study will seek to investigate. The second feature of CJSW which, according to the literature, might have an impact is the ‘ethical climate of the agency.’ The literature has highlighted features of the ethical climate such as space for discussion of values and a lack of managerialism as important to workers achieving value-behaviour congruence. ‘Ethical climate’ is therefore the second variable for investigation. Given the suggested importance of a desistance

approach to the experience of disjuncture, the next section of the literature review will investigate the barriers to the adoption of such an approach.

2.3 *Anxiety and Risk*

2.3.1 Introduction

Taylor (2007) poses a question about whether professional dissonance might be a promising concept for social work. She defines professional dissonance as a new concept, characterised by “a feeling of discomfort arising from the conflict between professional values and expected or required job tasks” (Taylor, 2007, p89). It seems at first sight, then, that professional dissonance equates very closely to the concept of disjuncture as explored in section 2.2. Interestingly, however, Taylor frames the concept as one which might be “promising” (ibid. p89).

Taylor explores decision making through an existential framework, using key concepts such as “becoming” (Taylor, 2007, p92). ‘Becoming’ is a continual process in which human beings must be engaged to avoid stagnation: “In order to always be “becoming” and not have stagnated, the person must continue to act authentically and avoid bad faith actions” (ibid. p92). Authenticity equates to congruence or genuineness as made central to social work by Carl Rogers (1980 [1963]). In order to be authentic, people take responsibility for their decisions, are clear that they are acting in accordance with inner guidance, that is, their actions are congruent with their inner ‘voice’ (conscience or value beliefs) and that the decision is taken in ‘good faith.’ ‘Bad faith’ decisions are the opposite of this. Taylor gives an example of a social worker agreeing to hospitalization of a service

user because of pressure from a supervisor, while internally agreeing with the service user's decision not to take medication because of the severe side-effects. Taylor states that "individuals who continually choose bad faith actions over authentic responses stop progressing as "becoming" human beings" (Taylor, 2007, p93).

At this point then, we can see the potential for two types of decision making. One type is 'good faith' decision making, in line with values and conscience and part of a responsive, individually tailored approach to the work. This is congruent with authenticity and genuineness, and a worker who can make such decisions would be, according to Taylor, in the healthy process of 'becoming'. The other type of decision, however, is the type illustrated by the practice example given. The worker feels that the action is 'wrong' and yet acquiesces to its execution due to other pressures. This then becomes an action characterised by the opposite of authenticity in that the inner voice and outer actions are in conflict. According to Taylor, if the social worker in this case continues with these types of 'bad faith' decisions, they will stop 'becoming'. Avoiding taking responsibility for decision-making is another feature of this way of acting ('the supervisor told me to do it'). Taylor links the first type of decision to the existential concept of 'ontological anxiety' and the second to 'ontological guilt'. Taylor sums up the difference very usefully as follows, "Quite simply, ontological anxiety is the price of living authentically. By contrast, choosing the more comfortable, non-anxiety-provoking course of action will, in the short term, result in feeling safer, but in the long term lead to the more malignant state of 'ontological guilt'" (Taylor, 2007, p94). Long term ontological guilt can lead to regret, shame and a feeling of stagnation. Taylor paints a picture of ontological guilt as extremely corrosive. Ontological anxiety, on the other hand, produced as a result of 'good faith'

decisions, is, according to Taylor, a healthy by-product of being responsive and using discretion.

How can this help us with our understanding of what might be going on in CJSW? It is clear from the previous 2 sections that the concept of disjuncture is congruent with ontological guilt, not with 'promising' professional dissonance or ontological anxiety. It is not anxiety produced even when one is acting in good faith, but is the 'malignant' state of continually having to undertake tasks which are at odds with our inner voice and values. An example of this might be Jones's (2001) or Preston-Shoot's (2003) findings of extremely unhappy and disillusioned social workers who felt they were not allowed the time, space or remit to make relationships and truly 'help' service users when they felt it was the right thing to do. More generally, the theme which emerged from the literature about the centrality of being allowed to help where one feels it is 'right' and the significant stress caused when one cannot, is clearly an example of ontological guilt. However, we still do not know if social workers in CJSW are experiencing disjuncture, although there is evidence to suggest it might be a possibility. Also, Taylor's ideas around having to take decisions because a supervisor applies pressure, might equate to having to take decisions because the procedure says so, or the MAPPA meeting dictates it, even when one's inner voice disagrees. As Webb (2006) states "social work has sunk into a 'managerialism' that is increasingly afraid of the complexity of risk decisions and has become highly defensive" (Webb, 2006, p1). The point here is that 'managerialism' has taken hold because of 'fear' of the risky situation. As Taylor states, it is the 'safer' choice in the short term. Barry (2007) noted, "the 21st Century review..... reported..... that the social work profession....had become increasingly risk averse, stifled autonomy and lacked appropriate support" (Barry, 2007, pi). This builds on Webb's suggestion that the practice of 'risk

aversion' has emerged because of fear of taking risks, and the profession has chosen the safer, managerial option. Also, the Scottish Government highlights 'appropriate support' as an important issue, and this resonates with O'Donnell et al.'s (2008) article which emphasises the importance of a supportive ethical climate. Is supervision ethically supportive? Is discussion and airing of views encouraged? Finally, Taylor's idea that the tendency to stop taking responsibility for decisions is linked to ontological guilt, is extremely relevant to the idea that social workers might not have the discretion and autonomy to act in the way they feel is right and, thus, take responsibility for their actions ('the procedure told me to do it').

The social workers in McNeill's (2000) study did not report feelings of ethical stress, and were still 'allowed' the autonomy to take decisions and to help as they felt necessary. I wonder if the example of helping the young heroin user (without audit measures and other managerial tools) was not without risk and perhaps caused the worker significant ontological anxiety? According to Taylor, this would be entirely proper and the alternative ontological guilt, produced by acting in bad faith but perhaps feeling safer in the short term, far more corrosive. Another example of ontological anxiety is given by Sawyer (2009). Sawyer interviewed mental health social workers in Australia about their perceptions of risk assessment and management. Sawyer found that many of the interviewees had, like the workers in McNeill's study, and Gregory's (2010) study, incorporated the need for risk assessment into their daily practice without compromising their professional values. For example, a risk assessment 'sticker' (a tick box rating the perceived level of risk) had been introduced, and some workers found that this added to their reflections. It forced them to think further and crystallise why they felt a person presented a certain level of risk, and therefore the tick box was not seen as restrictive, but

as enhancing professional decision making. One worker also gave the example of a suicidal service-user whose dog had to be euthanised. The service user had previously made statements alluding to the dog's death prompting his death (and had a history of serious self-harm), but also asked the worker for some time alone with his dog to say 'goodbye'. The worker states that "I felt confident enough to say 'I'm going to take the risk'" (Sawyer, 2009, p454), and agreed with the service user's request. As in the example of the heroin user, this worker's actions very probably led to feelings of ontological anxiety. However, had the worker, out of fear for herself or her job, or because of a restrictive policy, not given the service user time with his dog, she might well have gone on to experience corrosive ontological guilt, even although she had chosen the safer option.

There is also a theme emerging from several authors at this point that the workers required confidence to 'take the risk' or resist the dominant culture. To what extent the risk is shouldered by the individual or by the agency is variable, so where more resistance is required (e.g. Gregory, 2010), the risk is entirely borne by the individual worker, but where the culture of the agency allows and supports autonomy, then the burden is shared. The social workers in Sawyer's study appeared to be allowed autonomy and discretion to make their own decisions depending on individual circumstances. Notwithstanding this finding, many of the social workers were also highly critical of the emphasis on risk assessment tools and procedures. They were not critical of having to consider and assess risk, but were critical of the restrictive procedures involved in that process. One social worker, for example, felt obliged to ignore a policy which stated that workers should not engage with any service user who is intoxicated. The social worker felt that the policy was extremely risk averse and did not allow for individual circumstances, the worker's knowledge of, and relationship with, the service user and also the service user's vulnerability. When faced

with this situation, the choice for this particular worker would appear to be; follow the procedure and live with ontological guilt, having not ‘helped’ when you felt you needed and wanted to (inner voice and actions in conflict); or ignore the policy (and risk himself and his job) and act in accordance with his values and conscience and help the service user. The worker consistently chose the latter. Therefore, a policy which controls workers and situations in such a managerial and homogenising way, may well put workers in the most difficult position, and this worker, as Gregory’s participants, chose active resistance at his own expense. This particular worker, should something go wrong, would shoulder the full weight of ‘blame’ and the agency would be exempt, able to say that the worker should have followed the policy. On the other hand, the worker, knowing the service user, simply could not leave him/her to suffer or be in danger. This serves to illustrate the strength of the toxic nature of ontological guilt, and the lengths that some people will go to avoid it and to do what they feel is ‘right’.

An existentialist framework, then, serves as an appropriate introduction to this section. As Taylor says, existential psychology “answers the question of what happens to social workers who consistently act in ways that conflict with their ideas about what they should be doing” (Taylor, 2007, p94). Preston-Shoot (2003) also explains consequences of this type of enforced value/behaviour incongruence which includes; secret keeping, for example, when workers do not discuss the gap between the theory and the reality of resource restrictions, making no requests or demands for entitlements such as supervision, due to a lack of belief in their needs being met, a lack of belief that there is any point in making requests or taking action on behalf of service users and a belief in the espoused reality of social work when in the full knowledge that the image is at odds with the reality. It can be seen that those consequences could quite easily lead to corrosive feelings of

ontological guilt or disjuncture in the long term. Taylor (2007) states that existentialism, “also changes the negative cast usually given to anxiety, and encompasses anxiety as a potential growing experience” (Taylor, 2007, p94). This section will now look at why certain key features of CJSW as already defined might make embracing ontological anxiety extremely difficult. It will also examine the issues already raised in some more detail, namely risk and risk aversion, blame culture, managerialism, autonomy and ethical climate.

2.3.2 Why is embracing ontological anxiety difficult?

First of all, clarification is required as to why ontological anxiety is important in terms of desistance work, and thus a reduction in disjuncture. Working with someone in order to support the process of desistance involves listening to their narrative, helping them with the problems and issues they deem to be important and building a warm, genuine, therapeutic relationship which encompasses interest, optimism and hope (Farrall, 2002; McCulloch and McNeill, 2008). In order to do this, workers need to be able to do far more than just follow procedures or deal with prescribed problems such as employment, traditionally associated with reduced re-offending. The process has to be, essentially, personal to the individual. In order to do this then, workers need autonomy and discretion to respond in thoroughly individualised ways. They need to be able to take risks and to help offenders (as per the workers in Kosny and Eakin’s (2008) study who could respond as required). Being allowed the autonomy to do this would provide an appropriate context for the implementation of desistance work, and, because ‘helping’ where required is an

essential part of the process, should reduce feelings of disjuncture. Why might this be difficult for CJSW? The issues identified above will now be discussed in some more detail.

Webb (2006) suggests that the neo-liberal society and the preoccupation with risk are essentially linked. He explains that neo-liberalism has replaced the ‘old’ welfare society based on universal ‘care’ (from cradle to grave), with an onslaught of individualism and market forces. The important point here is that, within a neo-liberal context, risk is paramount. Webb suggests that welfare is now seen as a bad thing – individuals should be responsible for their lives and there are no appeals to the greater good. Within this context, people must join in with the middle class work ethic or be left behind, once again raising the issue of deservedness as discussed earlier. Webb also states that the language of choice and empowerment are key in this development, but cautions that the promotion of choice is “hollow and differentiated along class lines” (Webb, 2006, p56). He explains that people are not only free to choose, but obliged to be empowered and choosing individuals, even when perhaps not having the resources to be so. He also points out that inclusion in society has become supplanted by inclusion in the job market, and suggests that this is confused thinking because, actually, people are not properly included until they have a good standard of living, opportunities for career progression etc. Webb, therefore, outlines a neo-liberal context where people are given help to ‘join in’ with a middle class work ethic, or are left behind. Once again, the reference to deservedness and ‘underclass’ thinking (Murray, 1990) can be seen, in that if people cannot join in, they are deemed to be beyond help, scrounging, ne’er do wells, and the rest of society are left with no option but to ‘contain’ them.

Kemshall (2002) notes that rather than the traditional bonds of class ending, studies show that current restrictions are just as powerful. She also highlights the theme of individualism, that collective, societal causes of crime and poverty have been replaced by individual responsibility and individual failings. This resonates with the 'responsibility model' in CJSW when a focus on welfare needs became more explicitly balanced with holding the offender to account for his actions (McCulloch and McNeill, 2011). If the balance is weighted in the direction of accountability, however, issues such as poverty and social exclusion are seen as excuses, and 'individual failings' become the only legitimate target for intervention. Webb (2006) would view this as an inevitable consequence of a neo-liberal society. This view also legitimises withdrawing services from certain groups of people (those who are unproductive and dependant) and therein we can again see the idea that welfare is a bad thing. Kemshall also notes that this idea is perpetuated by appeals to the middle classes that they are carrying a heavy tax burden to prop up lazy, workshy scroungers (who might also be offending) and are actually not much worse off than themselves. She states that this is a powerful idea which easily mobilises people in favour of benefit and other welfare reforms. Who is deserving and who is not? The culmination of this neo-liberal thinking is that people are seen to be excluded through their own faults and failings. Once again, recourse to value beliefs in the effects of poverty and disadvantage, and the promotion of social justice and equality, are eroded. The idea that this group must be regulated and controlled is emphasised. This is a theme which the literature continually brings the discussion back to. The social work value belief in social justice must be very robustly understood and very much valued by social workers to enable them to resist the neo-liberal, uncritical blaming of disadvantaged groups which is an idea with distant, historical roots as already covered, and a powerful durability.

How, then, does this interface with risk becoming the dominant idea? Section 2.1.5 looked at the rise of public protection, and this combined with the above view of the ‘underclass’ leads to the conclusion that assessing and managing these risky individuals must be a priority task. As Feeley and Simon (1992) stated, the task has become one of managing groups of risk classified people. McNeill (2009) explores the issue of public protection as the priority task for CJSW as stated in *The Tough Option* (Scottish Office, 1998). McNeill points out that when we commit to public protection, we confirm that there are threats and encourage fear. Also, when we promise to protect, we open ourselves “not to the likelihood of failure, but to its inevitability” (McNeill, 2009, p22). Herein, then, lies the preoccupation with risk assessment, risk management and ‘getting it right’ for the protection of the public.

Littlechild (2010), expands on this point. Agencies are clearly adopting actuarial tools and processes to avoid ‘mistakes’ and to assist workers to make ‘defensible decisions’. However, Littlechild suggests that the faith then invested in the procedures and tools means that if something does go wrong, it must be the worker’s fault. This thinking, in turn, increases the fear felt by workers: “It has been argued that it is necessary to examine the risks of risk assessments, as the centrally developed risk assessment agenda and its associated tools have (probably) inadvertently induced fearful perceptions in social workers. This is due to their concerns about the unrealistic expectation that they can, by the use of such tools, eliminate risk” (Littlechild, 2010, p672). Littlechild suggests that government expects that if workers only apply the tools properly, they will avoid child abuse deaths and continues that this is based on fundamentally flawed thinking, perpetuated by attention to actuarial methods and single-incident investigations. For example, Littlechild points out the “actuarial fallacy” (ibid. p668), that although insurance

companies can group people according to actuarial risk factors (and, thus have a ‘high risk’ group, as in social work), they *do not* try to predict which individual will have an accident. That would be impossible. In fact, they increase the cost of the premiums, knowing that somebody in this group, inevitably will have an accident. This is the nub of the matter – the use of these tools in social work do not allow us to accurately predict who will re-offend or harm their child, and we need to accept that, inevitably, somebody will. In accepting this inevitability, social work could move towards a supportive, rather than blaming culture. Littlechild also looks at single-incident investigations, which can lead to the over-prioritisation of certain elements and the suppression of others. Where there is media outcry, the government will respond with “managerialism.....which consists of a controlling approach to micro-practice” (ibid. p665). Inevitably, the controlling responses in criminal justice social work are characterised by “popular punitiveness” (Croall, 2005).

Both of the above, then, lead to less autonomy for social workers to make decisions, as they are controlled centrally through procedures and checklists. Littlechild condemns this state of affairs, as he feels that social workers must engage with “untidy” sets of knowledge and relearn to live with uncertainty and ambiguity. Social workers need autonomy to do this properly on a case-by-case basis. This conclusion very much supports Taylor’s idea that social workers (and agencies) must be allowed to live with the ontological anxiety produced by having autonomy, acting in good faith and taking responsibility. However, it might be that, in the current climate, this leads to a situation where workers are consumed with anxiety that the (good faith) risks they have taken will end in disaster and they will be blamed. Phillips (2009) suggests that social workers feel this anxiety more strongly than any other. He describes it as the lying-awake, nightmarish scenario of ‘what if something goes wrong, and I will be blamed/sacked/vilified’. This

leads to an emphasis on defensible (or defensive?) decision making, although even this might not be a protective strategy because, as Phillips points out, in hindsight any decision can seem indefensible.

An illustrative example of the influence of hindsight was the investigation into the case of an offender who abducted a two year old girl, whilst subject to supervision from the social work department. The investigation found that the decision, by the social worker, to see the offender once a week was flawed (Scottish Government, 2005). The social worker made this decision because the offender was living in a block of flats which was staffed 24 hours a day, and he also received weekly visits from a housing support worker. The decision was criticised because the offender's accommodation was not a specialist sex-offender unit and, therefore, supervision should have been closer (Scottish Government, 2005). Social workers have more than one service user to visit and must balance competing demands on their time. The worker in this case had good reasons for setting supervision at the frequency he did and whether this equated to a 'bad' decision is seriously questionable. O'Sullivan (1999) in his exploration of how decisions should be evaluated, states that evaluation needs to be based on "what the average, skilled practitioner would have done, given what was known and what could reasonably be expected to have been known at the time, *without the benefit of hindsight*" (O'Sullivan, 1999, p155 emphasis added). This appears to be, then, an example of why social workers might well lie awake worrying about their decisions. In theory, a good decision, based on good, defensible reasons, should be robust enough to withstand scrutiny, but it appears that this might not be the case when, as Phillips points out, any decision can be made to look indefensible once a bad outcome is known. The presumption is that the decision's worth should be measured by the outcome.

Banks (2006) discusses the complex reality of decision making in social work, and defines a social work decision as more akin to a 'dilemma,' that is, "a choice between two equally unwelcome alternatives" (Banks, 2006, p24). She goes on to say that these types of decisions have no clearly right and clearly wrong choices, but that the social worker must choose the lesser of two evils. Whatever the choice, it might still be an 'evil'. Within every 'evil' is the potential for a poor outcome, even if the social worker has chosen the path most likely for success. MacDonald (1990a) makes an interesting observation about decision making and blame in social work. She draws attention to the Report of the Panel of Inquiry into the death of Jasmine Beckford as follows: "In assessing whether a reasonable person would have known or seen an event, *we are entitled to have regard to what actually happened*" (MacDonald, 1990a, p526, emphasis added). MacDonald disputes this, arguing that the social worker's course of action might have been correct despite the bad outcome. She suggests that most enquiries start with the assumption that a bad outcome equates to bad practice/bad decisions and that the wisdom of hindsight is applied with rigour to find evidence to support this. In summary, MacDonald proposes that the "criteria for assessment (of social work practice) should not be the outcomes, but the appropriateness of the *decisions* given the information available at the time" (MacDonald, 1990a, p527, emphasis added). In the ensuing argument between MacDonald and Hollis and Howe (MacDonald, 1990a, Hollis and Howe, 1990 and MacDonald, 1990b), Hollis and Howe are quite clear in their view that outcomes are the best measure of practice competence (or otherwise): "the test of sound judgement verges on success" (Hollis and Howe, 1990, p549). The authors suggest that if a person has accepted the role of a social worker, then they have accepted the risks that go with that. MacDonald, on the other hand, states quite simply that we cannot always predict if a bad outcome will happen, and living with this uncertainty is inevitable. This equates to Taylor's and Littlechild's ideas about

living with ontological anxiety generated by uncertainty, and the authors agree that this is right and proper, if a good, defensible decision has been made. MacDonald sums up by stating that social workers always have a responsibility to make the best possible decision, but “if the best possible decision is made, then even if a bad outcome occurs, it is morally correct” (MacDonald, 1990a, p543).

There is a consistent message in the literature, then, that decisions about risk cannot always be predicted accurately and the ‘actuarial fallacy’ and related thinking leads to completely unreasonable expectations that social workers can always get it right if they just use the tools and do their jobs correctly. It is also clear, however, that the acceptance of this idea is not universal and there are examples of a competing premise that social workers should always get it right and are to blame when things go wrong. It is easy, therefore, to empathise with those workers who worry and feel inordinate stress because of the possibility of something untoward happening with one of their cases.

Littlechild, similarly to O’Donnell et al. (2008), states that the above situation of extreme anxiety can be addressed by attention to the climate of the agency which needs to be supportive and ethical, underpinned by the belief that social workers cannot get every decision right and that, inevitably, tragedies will happen. “If we blame the staff for what happens, and make them fearful of reporting difficulties, the reality of the problems can neither be systematically examined or action taken to remedy them” (Littlechild, 2010, p670). One locus where the ethical climate of an agency is reflected in quite sharp relief is supervision. An indication of ethical climate would be social workers’ experiences of supervision as a time to explore ethical dilemmas and the moral and emotional impact of their work. Beddoe (2010) conducted a study interviewing six experienced supervisors

about their experiences of supervising staff. The author looked at whether practice which had become “ruled by technicist approaches in which risk assessment systems and checklists are put in place to minimise the risk of practitioners ‘missing something important’” (Beddoe, 2010, p1281), had resulted in supervision coming to “focus attention on micro-management and surveillance” (ibid, p1280). Beddoe found that the supervisors she interviewed still had a commitment to the various purposes of supervision, whilst they acknowledged that the emphasis on risk management could make this difficult. A clear theme emerged from the study that supervision must recognise the possibility of change (as opposed to management of risky populations as per the ‘new penology’, Feeley and Simon, 1992) and retain a commitment to care, that is, discussions about care, helping and change must be explicitly recognised. This means that social workers must be helped, in supervision, to live with uncertainty and anxiety and Beddoe quotes Parton (1998) who stated that “social work needed the ‘rehabilitation of the idea of uncertainty, and the permission to talk about indeterminacy’ (Parton, 1998, P23) rather than greater proceduralism” (Beddoe, 2010, p1288). Beddoe also found that her study did expose the possibility of a risk-averse ethical climate reducing and undermining the quality of supervision. In summary, therefore, Beddoe’s study demonstrates that the six particular supervisors were able to retain a holistic approach to supervision, and were balancing the different requirements of the task, but the author acknowledges that further research is required to better understand how good supervision can be implemented within the context of current social work practice.

It is clear therefore, that risk may have changed the ethical climate of criminal justice social work, and may therefore have also had an impact on supervision. Sawyer (2009) adds weight to the conflicting priorities in supervision by suggesting that workers who become senior social workers are no longer “expert craftsmen” but instead are “expert

managers” (Sawyer, 2009, p443). They are concerned more with the completion of the paperwork about the work being done, rather than with the actual work being done. Since the issue of helping offenders and attending to their welfare sits within the realm of the actual work being done, it is not a priority for discussion or quality enhancement. Again, this would be reflected in the nature of supervision as recognised by Beddoe.

Risk then, has become dominant, essentially linked as it is to public protection, the neo-liberal society we live in and the current ‘blame culture’. As Kemshall (2002) notes, risk always raises the “spectre of blame” (Kemshall, 2002, p9). When something goes wrong, the question is usually, whose fault is this? Who can we blame? What can we do in supervision to ensure we do not get blamed? It is not a surprise, then, that workers worry about this. It would seem that the literature suggests that autonomy and discretion for social workers are necessary for them to engage with messy situations and untidy information, but that risk averse agencies find it difficult to allow that to happen. So, the context of attempts to adopt desistance approaches to work with offenders is characterised by risk aversion, blame and social workers’ anxiety. It seems the task of creating a situation where workers can adopt these approaches and, thus, live with ontological anxiety (as opposed to crippling, overwhelming anxiety) will depend on the ethical climate (support or blame), the acceptance of the inevitability of re-offending and/or tragedies and the autonomy of workers.

Turning specifically to CJSW it seems clear that the themes raised earlier are, if anything, more significant. For example, the emphasis on accredited, approved risk assessment tools is apparent as part of the remit of the Risk Management Authority (RMA) which was set up as a result of the McLean Committee’s recommendations regarding the assessment and

supervision of serious violent and sexual offenders, published in 1999 (RMA, 2006). Having an agency dedicated solely to risk assessment and management highlights the dominant nature of risk as a focus for CJSW. Also, an international literature review commissioned by the Scottish Government in 2007, undertaken by Barry (2007), found manifestation of the above themes to be pronounced in CJSW. The review was commissioned due to the government's review of social work which found that social work, as a profession, had become very risk-averse and stifling of autonomy (Scottish Government, 2006). Barry (2007) considered risk assessment in the three main statutory social work arenas; community care, child protection and criminal justice. In regard to CJSW, she found that "there is currently a preoccupation with risk assessment per se, possibly at the expense of effective interventions with offenders" (Barry, 2007, p10). To elaborate, Barry states that the terminology and context of risk, "masks the social and personal problems facing offenders and sees victims as the main consumers of risk assessment" (ibid. p14). Also, although tools may seem effective and scientific, an alternative purpose is to give credence to agencies in their responses to crime, and to limit responsibility when things go wrong. Barry concludes that the focus in CJSW seems to be about managing risk rather than working in partnership with offenders on alleviating their problems to reduce future offending. This is consistent with Feeley and Simon's (1992) 'new penology' and further illuminates the picture of what is actually going on within CJSW. Clearly, it may suggest a reason as to why it is difficult for agencies to take a desistance approach to working with offenders. Again, the quick, safe answer appears preferable to a longer term intervention, based on working with (and helping) offenders. This might also mirror the ontological (healthy) anxiety which those longer term responses to offenders create as opposed to the safer, short term 'management' and procedural

response which might, due to the possibility of creating disjuncture for workers, produce ontological guilt.

One question which arises from the above is; what are workers' feelings about risk? Do workers want to take risks and have autonomy? Barry suggests that agencies may take steps to protect themselves from blame, by focusing on their risk assessment tools and procedures. Therefore, when something goes wrong, or a tragedy occurs, agency staff can show "due diligence" (Barry, 2007, p31) and demonstrate that the workers followed correct procedures. The inevitable conclusion to this is that workers' and agency safety is actually the paramount consideration, the protection of children or work with offenders is secondary. We can link this back to Philip's "nightmarish" situation where a social worker is held accountable for an inevitable bad event occurring. If this is indeed the over-riding anxiety for workers, then any safety net might be welcome. And actually, Barry did find that "social workers tend to seek reassurances, legitimacy and certainty from risk assessment tools that arguably professional autonomy cannot give them" (Barry, 2007, p36). The review also highlights that tensions (for workers) between accountability and autonomy are less in CJSW "because actuarial and administrative functions have all but taken over from one-to-one work with offenders and there are fewer worker expectations of professional autonomy" (ibid. p44).

At this point then, it needs to be recognised that if the desistance work/ontological anxiety relationship is accepted, it might be difficult for agencies to implement desistance approaches on at least two levels. One, the aforementioned tendency towards protection of the agency from blame, and the safer, managerial way of approaching work. Secondly, it seems that workers themselves might very well not welcome an increase in autonomy and

discretion, and the suggestion that anxiety is healthy and can be ‘lived with’ might well be anathema to workers. Anxiety as currently experienced, seems to be the nightmare anxiety of Philip’s description, and it is unlikely workers would welcome anything akin to this unless they were truly convinced that the blame culture had changed. They would need to be allowed to take risks, experience ontological anxiety and know that they were supported and that a bad outcome was not seen as inevitable confirmation of bad practice.

Risk aversion in CJSW is further explored in *Scotland’s Choice, the Report of the Scottish Prison’s Commission* (Scottish Government, 2008b). The report looked at how and why prison is used, and examined reasons for the unacceptably high, and growing, Scottish prison population. One focus of the report is the number of parole recalls, that is, when prisoners released on licence are recalled to prison due to breaches of their licence conditions. The report states “Between 1997/98 and 2006/07.....the number of people recalled on licences has soared by nearly 1,000%” (Scottish Government, 2008b, p12), a fact which the report describes as “astonishing” (ibid. P12). What is the reason for this? The report found that there was worrying evidence to suggest that many ex-prisoners were being returned to prison for breaking rules rather than for further offending. Whilst it is recognised that there must be ultimate sanctions for people who refuse to engage with the terms and conditions of their release, the report questions whether lapses could not better be managed in the community. Furthermore, the report states “research in other countries suggests that these changes may be less to do with managing real risks to the public than with those concerned becoming more defensive and risk-averse for fear of being blamed when things go wrong” (Scottish Government, 2008b, p45). This fits well with the emerging picture of CJSW, in that rule-breaking in the past might have been dealt with by a social worker with the discretion to issue an internal warning. Is fear of making those

judgements encouraging agencies to ‘pass the buck’ and refer far more decisions to the Parole Board? The report certainly suggests that this is the case.

What does this all of this mean for desistance work with offenders? Clearly, taking a desistance approach, and living with the resultant ontological anxiety would be difficult for any social worker in the climate outlined above. Phillips also points out another problem; ideas of social capital are central to desistance in that the more the offender has to lose, the greater is the motivation to not offend. However, a focus on risk outweighs this quite significantly and Phillips states that “it is important to redress the balance of the debate” (Phillips, 2009, 184). Therefore, not only is risk difficult for agencies and personally for workers, it is a focus which serves to mask the attention required to social and welfare issues which is central to desistance.

Hudson (2001) looked at the issue of human rights within the probation service, particularly with regard to the preoccupation with risk. In essence, Hudson, states that an increasing focus on risk management must be balanced by an increasing focus on human rights of offenders. Hudson’s criticisms of current risk assessment practices resonate with the original criticisms from the American Friends report (1971, cited in Garland, 2001). At that time, sentencing was criticised for discretionary powers based on factors such as employment, compliance etc. which led to discriminatory sentencing. Hudson points out that our risk assessment criteria are also fundamentally discriminatory; employment is racially correlated, and relational residence might have different configurations depending on ethnicity. Hudson wonders why, because of this, there has not been more resistance to the adoption of risk practices. She suggests that the scientific and morally neutral language of risk masks its stigmatising nature. So, Hudson feels we need to deal with risk in CJSW,

but that we must remain concerned with risk management and not slide into risk control which “attempts to eliminate risk, even at the expense of an equitable balance of risks and rights” (Hudson, 2001, p110). Risk management can allow for a whole-hearted acceptance of the idea of human rights (beyond just ensuring legislation complies with the Human Rights Act) and the adoption of a “positive rights agenda” (ibid. p110). The key here, according to Hudson, is that these rights apply to people simply for being human and are not earned by good behaviour, a basic social justice belief clearly held by the workers in Kosny and Eakin’s (2008) study. She eschews the idea that a reasonable response to questions about offenders’ rights is that it is the victims’ or law-abiding citizens rights’ which are important. She states it is not an ‘either/or’, but ‘both’ – a balance. There is a parallel here with the participants in Gregory’s (2010) study who were clear that attention to needs of the offender and, at the same time, cognisance of risk and reducing re-offending were ‘both’ the purposes of their work. Hudson accepts that there are rights conflicts and that some rights are lost for some of the time, due to punishment, but suggests that an explicit consideration of rights alongside risks should balance the tendency towards exclusion and management of those people deemed to belong to risky, ‘other’ populations. In fact, Hudson states that the community can become a barrier between inclusion and exclusion if the focus is entirely on risk, whereas a focus on rights allows for an inclusive concept of community. For probation practice, then, Hudson supports that offenders be recognised as part of the community; that justice consider principles of fair punishment as well as a focus on risk; and that there is a commitment to principles of equal freedom and equal respect. It can be clearly seen, then, that adopting these principles and working within a positive rights framework, would allow social workers to discuss and enact their values by respectful treatment of the offender which would encourage discussion of welfare, care, help and assistance. Hudson’s view that the “maximum level of rights...can

be preserved without detriment to...the rights of potential victims” (Hudson, 2001, p110) would also allow for a social work- values based, desistance approach.

Taking the issue of human rights further, it would have to be accepted, and recognised explicitly, that the intersection between rights and risks would be where the inevitable negative and unforeseen outcomes would occur. This would be an inevitable product of the adoption of a positive rights agenda and would be a difficult idea to accept in the current climate of CJSW as already explored. In the explicit acknowledgement of support for the human rights of the offender would have to lie the explicit defence of that ideological position. Harding (2006), a member of the Parole Board for England and Wales, gave some insight into decisions made by the Parole Board which have led to bad outcomes. Harding reflects on the reports written after investigation into the Parole Board decision-making and his report gives significant weight to many of the key practices inherent in supporting a desistance approach. He also points out that there has been an explosion in prison recalls, and although he is talking about the English picture, there are clear similarities with the situation in Scotland. His explanation is that agencies are not differentiating between serious re-offenders and people who break rules and might only require a slap on the wrist. Although not acknowledged explicitly, might this also be underpinned by increasingly fearful and risk-averse practices? Although all of the points raised by Harding would support a move towards more autonomy for workers, desistance approaches to licence supervision and less risk-averse practices, there is one very significant point he makes which is worthy of further exploration. Harding states that the investigation into the early release of a prisoner found that the “release decision was undermined by human rights considerations rather than public protection concerns” (Harding, 2006, p390). Returning to Hudson’s article, surely the response to this should be

acceptance and the statement that both fundamentals were attended to. If we can acknowledge that the human rights of the offender *are* important and not expendable, then we accept that this is the interface where difficult judgements are made, sometimes with unintended and negative consequences. However, Harding responds with some passion that such a thing might be suggested; “it is naïve and ill-informed to think that the parole board members are so fixated by human rights issues to the detriment of their major concern about risk assessment and public protection” (Harding, 2006, p390). The complete denial that there may indeed have been an over-emphasis of the offenders’ human rights also denies that this is where the difficult balance lies, and that it is quite correct for the competing demands to be so balanced. It may be, therefore, that we are still a long way from the necessary and explicit acknowledgement that the human rights of the offender are as an essential consideration as risk assessment and ‘public protection’.

So, although the adoption of a positive human rights agenda might be difficult in terms of release decisions, might it be less difficult in terms of the work actually done with offenders? The right to help, welfare assistance and respect should feature in any work which allows for that, as desistance work does. We have seen previously how ‘helping’ might not be acceptable in terms of popular punitivism, and might also be seen as a weighting of the risk and rights balance towards the rights of the offender. If we allow that to hamper what is right in terms of human rights, then, according to Hudson, we are bowing to the “tyranny of the majority” (Hudson, 2001, p112). Might this be what ‘popular punitivism’ is? Hudson reminds us that rights legislation is “anti-majoritarian; it is designed to uphold the rights of each against all, the rights of the few who are ‘different’ against the majority who are normal” (ibid. p112), and therefore might be a potential weapon against popular punitivism. In this way it might allow for the beginnings of a

culture change aimed at providing help, assistance and desistance work to offenders rather than categorising and managing them.

Pollack (2010) looked at the experience of women within correctional services in Canada. This gives an interesting insight into those who actually experience social work characterised by the themes mentioned so far in this section. Pollack states that there is a clear neo-liberal agenda at play, illustrated by workers trying to get service users to take control of their own risk management, and to secure employment, thus joining in with the middle-class ethic and reducing the need for state intervention. Once again, what about those who struggle to do that? The women themselves appeared to have internalised these messages, apologising for attributing the source of their problems to wider social problems. For example, one woman, when stating that poverty and drugs contributed to her offending stated “as crazy as it sounds” (Pollack, 2010, p1272). Pollack also suggests that a disillusionment with the ‘nanny state’ has led not to less interference from the state, but different interference which is more focussed on those who are mandatory service users, for example, in criminal justice or child protection. The focus is on the ‘criminal mind’ and the employment of cognitive-behavioural programmes, at the expense of any welfare or helping work, and the women say this ethos reminds them that they are bad people (once again this is contrary to desistance work which sets out to encourage a positive self-narrative (Maruna, 2001)). Thus, without the qualifier “as crazy as it sounds” the woman, according to Pollack would have been seen to be making excuses or denying responsibility, which links exactly to popular punitivism’s denial of recourse to values linked to anti-oppressive practice and social justice. There was no evidence of pro-social modelling (Trotter, 2006) on the part of the workers. Again this is another strand in desistance work, and workers should be modelling and encouraging pro-social behaviour. Pollack states that

there has been a war on workers having discretion and that management information, audit trails, standardised tools and defensible decisions have taken its place. All of these themes have been covered already, but this study highlights the effect on the service users themselves, having to 'fit' with individual notions of blame, seeing the file as all-powerful and despairing about the difficulty in demonstrating change within a risk assessment framework. The women felt they were not 'heard' accurately and what they said was written in the file differently or differently categorised. This can be clearly contrasted with what people might experience as a result of a desistance approach, for example 'hearing' accurately and asking the women about their lives and priorities would be essential, as would workers really getting to know them, and building relationships with them. According to the women's objections to the current regime, this would be very welcome.

To sum up thus far, then, it is suggested that adopting a desistance approach to work with offenders would allow for 'helping' the offender deal with problems as defined by him or her, as an essential part of that approach. It would also involve really listening to the offender and building a relationship with him. This should reduce disjuncture for workers and allow them to practise in a value-based way, helping where they feel it is right to do so. It is recognised that taking a desistance approach would not be without risk; anxiety would be produced because social workers would have autonomy and discretion to make decisions and respond individually to service-users, taking responsibility for their actions. The anxiety produced (ontological anxiety) is a healthy and proper consequence of making good faith decisions, and could usefully be embraced by social work. However, it is recognised that there may be a culture within CJSW which might make adopting a desistance approach, with its attendant anxiety, extremely difficult. Risk averse practice, the existence of a 'blame culture' and managerialism all play a part in creating a context

within which agencies, and perhaps workers too, may find embracing the change to a desistance paradigm for practice, frightening. How far are we from Barry's (2007) suggestion in the conclusion to the literature review, that we "could well learn from social work 100 years ago when in 1907, the Probation Act recommended that practitioners 'advise, assist and befriend' their clients. That message still holds true today, whatever the risks" (Barry, 2007, p47)?

2.3.3 Variables which might influence 'disjuncture:' Part 2

From this section of the literature review, then, two further variables which might affect disjuncture can be identified. One is the ability of agencies to tolerate ontological anxiety. It follows that if an agency adopts a desistance approach, it must, as a consequence, be able to cope with and contain the production of ontological anxiety. The polar opposite to this, would be an agency completely unable to tolerate ontological anxiety, and thus be very likely to produce ontological guilt for workers as explained above. As ontological guilt is similar to disjuncture, then it could be suggested that the less ontological anxiety tolerated, the more disjuncture would be produced. The third variable, therefore, is 'ontological anxiety/guilt.' Next, the agency's approach to risk is suggested by the literature as a key feature in shaping CJSW. For example, an agency which is very risk-averse, will struggle to 'allow' responsive, desistance approaches and is likely to be characterised by blame and the assumption that bad outcomes equal bad practice. Thus, a procedural, defensive approach to the work may well flourish and stifle value congruent engagement with offenders. 'Approach to risk' is therefore the fourth variable. Finally, the already identified

variable ‘ethical climate’ is enhanced by the inclusion of supervision as an important feature.

2.3.4 Culture Change?

If a desistance approach to work with offenders was to be implemented, the literature seems to suggest that much in the culture of CJSW would need to change. How easy would this be? McNeill et al. (2010) undertook a literature review exploring culture and change within community justice agencies. The authors drew some key themes from the literature on culture change in social work agencies, such as the centrality of involving practitioners. The literature was consistent in its messages about how important this is, and the authors draw attention to the absence of practitioner involvement in the centrally driven *Effective Practice Initiative* (EPI) implemented in the Probation Service (McNeill et al., 2010). When interviewed, probation officers were not sure about the changes, didn’t understand the bigger picture and were unclear as to which change belonged to which initiative. The authors conclude that the EPI was felt keenly by the workers, but not owned by them. Thus, to learn from this, social workers must be properly consulted, informed and involved, and this is included in the current study as another element of the variable ‘ethical climate.’

Another theme was workers’ perceptions of ‘professionalism’, the authors drawing on work from Robinson to explore this idea. Robinson (2003) studied practitioners’ and managers’ perceptions of the introduction of a structured risk assessment tool and found that use of the tool both heightened workers’ sense of professionalism and credibility as

well as, crucially, allowing them a sense of security in their decisions. They could defend their assessment in the event of things going wrong. This was a consistent feeling, shared by both practitioners and managers. Again, therefore, we can see the blame culture at work, and anything which can reduce the nightmarish situation of Phillip's (2009) vivid description appears to be welcomed by workers. However, Robinson also found that some workers were unhappy with the de-skilling brought about by the introduction of the tool and the resultant erosion of discretion and limitations on the use of the worker's own professional knowledge. Furthermore, she found that workers adapted to the introduction of the tool in ways which allowed them to retain their professional practice by viewing the assessment tool as a supplement to their professional assessment, not as a replacement. They also highlighted the professional task in interpreting the knowledge needed to complete the form: a combination of technical and moral decision making. This seems to resonate with McNeill's (2000) and Gregory's (2010) studies where workers adapted by integrating the demands for accountable practice with their basic values around welfare and helping. Might it be that the tendency to absorb competing demands, and reconcile them into a worker's framework of values and professional beliefs is, in fact, a widespread phenomena? As McNeill et al. (2009) state "in so far as this is revealed in their *accounts* of (social workers') practices, partly reconfigured purposes seem to be pursued alongside and through more traditional priorities and techniques" (McNeill et al., 2009, p423).

Sawyer (2009), as mentioned previously, found that workers in her study also accommodated risk assessment tasks as part of their professional role, especially in terms of adding to their reflective thinking about decisions. Other workers in Sawyer's study, however, did feel that the dominance of the risk agenda meant that other issues of welfare and relationship building had suffered, as had workers' autonomy and decision making.

Interestingly, participants in Sawyer's study put far less emphasis on formal risk assessment tools protecting them if things were to go wrong. It was mentioned in the context of being able to say with certainty that a worker has followed the procedure and can show they have done their best for the service user. In analysis of the data, however, it was not recorded as an overarching theme. Might it be that the fear of being blamed is more prevalent in CJSW? Or might the difference be because Sawyer's study was based in Australia?

In Robinson's (2003) study of workers' feelings towards the introduction of the risk assessment tool, as already mentioned, she refers to the conflicting feelings held by workers as the 'professional paradox,' that is, the tool is seen to heighten professionalism on one hand, yet reduce it on the other. To sum up, then, this study provides evidence that increasing professional autonomy (as would be necessary for the introduction of a desistance approach) might be welcomed by workers, but there is also clear evidence that workers like structured assessment tools to add to the defensibility of their decisions and thus increase their feelings of security. A thoroughly individual, responsive, relational foundation to work with offenders would therefore need to encompass a way of allowing workers to still feel secure even whilst using their discretion.

A third theme from the review (McNeill et al., 2010) highlighted the importance of organisational culture and values. If changes were explicitly in tune with the values and agreed purpose of the agency, then they were easier to implement. Clearly, changes in the direction of agreed values (of workers and agency) should reduce disjuncture and should be welcomed. However, as already explored, the picture in CJSW is one characterised by tensions and competing values/objectives. McNeill et al. (2009) suggest that CJSW

operates in a marginal field, separate from other parts of the justice system, yet separate also from main stream social work. The authors highlight that moving from a welfare ethos to one primarily concerned with risk and public protection, has required a shift in attitude (embraced by some more easily than others) which allows workers to feel they might have gained more influence and increased the status of their marginalised position, and yet sits uncomfortably with their previous commitment to, and culture of, welfare. (McNeill et al., 2009). This dilemma runs parallel to the ‘professional paradox’ explored above, but the authors suggest that the commitment to welfare has not yet been eclipsed (especially as social workers are educated during qualifying courses about the welfare roots of the profession). They agree that some adaptation to the risk agenda has taken place, but so has “misadaptation and revolt” (McNeill et al., 2009, p435). In fact the authors suggest that the eclipse of welfare would require a far longer period of time or a “violent rupture” in the progression of the profession (ibid. p435). In relation to the adoption of a desistance approach, then, and involving practitioners, there should in theory be a relatively easy transition, especially if McNeill et al. (2009) are correct and workers are still demonstrating loyalty to their welfare roots and social work values. However, there may be a threat to this optimistic picture in that McNeill et al. also found that social workers in CJSW have come to realise that “those welfare discourses and techniques that previously provided the capital in and through which they had historically traded had lost their political and cultural purchase” (ibid. p37). The authors suggest that as a consequence of this, social workers have had to adapt (not always willingly) to a public protection and risk management ethos, in the hope of regaining some status within a changing justice system.

Adding weight to this suggestion, Halliday et al. (2009) found that social workers in CJSW downplayed their welfare affiliations in order to gain status with those perceived of as having higher positioning on the hierarchy, for example, sheriffs. It is suggested,

therefore, that how much an agency has adapted or held onto its traditions might vary from agency to agency (and from worker to worker?), and that this will therefore herald differences in how agencies will be able to change to a new, desistance based approach to working with offenders.

The final theme of the review is that objectives needed to be clear, and, again, there had to be a commitment to, and a belief in, the underpinning values of the objectives, all of which would require a thoroughgoing engagement with the above issues of practitioner values, beliefs and thoughts about professionalism. In fact, the review quotes from the Scottish Prison Commission report (Scottish Government, 2008b) which states: “We need to find ways to release their (CJ social workers’) key professional skills in helping troubled and troubling people comply with supervision and *helping them tackle their underlying problems*” (McNeill et al., 2010, p38, emphasis added). The Scottish Prisons Commission recommends the creation of a National Community Justice Council to engage with the culture and practitioners in CJSW and to provide leadership. The review finally concludes that there is an urgent need for change, foremostly because of the changing system in CJSW to one based on pay-back (Scottish Government, 2008b). The review states that in order for the change to have any hope of success the central role of practitioners must be recognised (and it could be suggested that this should include hearing and addressing concerns about blame and the attractions of risk averse, defensive practice); there needs to be open and full discussion of values (it could also be suggested that this might lead to improvements in ethical climate and explicit recognition of the place of human rights and the discretion to ‘help’ when required) and discussion about how best to retain the valuable and unique parts of Scotland’s CJSW traditions (including the commitment to welfare, social justice and explicit recognition of the social work value base).

So, in summary, the ethical climate or culture of the organisation has emerged as a key theme in affecting culture change. Whilst the culture remains one characterised by ‘popular punitivism’, defensive, risk-averse practice and fear of being blamed, implementing a desistance approach to work with offenders seems almost impossible. If, however, values once more become a centrally important subject for discussion, human rights become a necessary discussion topic (even within MAPPA meetings), supervision is ethically supportive, bad outcomes are seen as inevitable and not necessarily an indication of bad practice, decisions (good and bad) could then be discussed and analysed and CJSW could learn from ‘near misses’. All of this would allow for the participative, value-congruent implementation of a desistance paradigm and, hopefully, a substantial reduction in disjuncture.

2.4 Conclusion

Section 2.1 set the scene for the research study by tracing the history of CJSW in Scotland, with a focus on the developments and changes that have taken place over the years. These developments have been analysed to show that public protection and risk management have come to dominate the work of CJSW, in contrast to its traditional endeavours of helping people with welfare and social needs. Ideas around social justice, deservedness and managing ‘incorrigibles’ were explored, having emerged as a theme throughout section 2. The picture which emerges from section 2.1 is of a service characterised by managerialism and within which technicist and procedural practice may well flourish. An overview of the

desistance literature was given in section 2.1.5 and how an approach based on a desistance framework could provide an effective antidote to technicist practice was discussed.

Section 2.2 explored the concept of ‘disjuncture’ and brought together the key developments from section 2.1 and the key messages from the literature in regards to disjuncture. The suggestion was made that contemporary CJSW might well be a context within which workers could experience disjuncture. Section 2.2 also explored how traditional social work values and approach to the work, characterised by helping with needs, building relationships and caring about service users, still had significant value, in terms of reducing disjuncture but also in terms of practising effectively. These ideas came together in a recognition that a desistance approach to work with offenders could comfortably embrace social work values, helping and caring work *and* was based on a robust body of evidence. The question was raised, therefore, as to why the impact of the desistance literature has been “muted” (McCulloch and McNeill, 2008, p155).

Section 2.3 explored why it might be that a desistance approach would be difficult for CJSW to adopt. The influence of risk averse practice, the blame culture and workers’ pre-occupation with ‘getting things right’ all have an influence. Ontological anxiety was explored in terms of a necessary consequence of adopting a desistance approach, and framed as a welcome concept, in contrast to ontological guilt or disjuncture. However, it was also recognised that any type of anxiety might be difficult for agencies to tolerate. From all of the above then, four main, independent variables can be drawn which might have a direct effect on a workers’ experience of disjuncture within the current context of CJSW (see sections 2.2.4 and 2.3.3). The variables are:

1. How agencies work with offenders. The less desistance focussed an agency is, the more disjuncture would be expected.
2. Ethical climate. The less value discussion, reflective supervision and participation of workers in changes, the more disjuncture would be expected.
3. Ontological guilt/anxiety. The less tolerant of anxiety an agency is perceived to be, the more disjuncture would be expected.
4. Agency approach to risk. The more risk averse an agency is perceived to be, the more disjuncture would be expected.

The suggestion is that the four, independent variables above might impact on a worker's experience of disjuncture. The other issue from the literature worthy of investigation is that, if the above factors influence disjuncture, they may well vary from agency to agency and, thus, workers' experience of disjuncture may also vary from agency to agency. The level of 'disjuncture' a worker experiences, therefore, may depend on where they work.

The research questions which arise from the literature, therefore, are as follows:

Does each of the independent variables contribute uniquely and significantly to workers' reports of disjuncture? And

Do different local authority settings produce different scores for the variables?

The aim of the primary research investigation which follows is to construct and test a model of the influences on 'disjuncture' in CJSW in Scotland. How this was undertaken is explained in the next section, 'Methodology.'

3 Methodology

3.1 Introduction

From the review of the literature, four independent variables were distilled which may influence the level of ‘disjuncture’ a social worker in CJSW might experience. The four variables are: ‘how the agency works with offenders,’ ‘agency approach to risk,’ ‘ethical climate of the agency’ and ‘ontological anxiety/guilt.’ The study was designed to investigate the impact of each variable upon the fifth, dependent, variable, ‘disjuncture.’ If the variables do impact on disjuncture, it could be suggested that different local authorities, with possible differences in the above variables, would produce different levels of disjuncture. The research questions are therefore reiterated as follows:

Does each of the independent variables contribute uniquely and significantly to workers’ reports of disjuncture? And

Do different local authority settings produce different scores for the variables?

The aim of the research is to construct a model of the influences on ‘disjuncture’ experienced by social workers in CJSW in Scotland, from the answers to the above research questions.

This methodology section discusses the rationale for adopting a within-stage mixed model study design (Johnson and Onwuegbuzie, 2004), which uses knowledge from two paradigms: positivist and interpretivist. The reasons behind this choice of research design (operationalised via questionnaires designed to elicit both quantitative and qualitative data) will be fully explored, and links from the literature review will be made explicit. The research questions are embodied in a proposed model of CJSW-related-disjuncture (CRD), demonstrating the suggested relationships between the four variables and disjuncture, which then provides the basis for a CRD questionnaire. The CRD questionnaire was tested for validity and reliability and ultimately provided data on social workers' perceptions of disjuncture and the contributory factors. These data were then utilised to test the proposed model of CRD, and further analysis was undertaken to refine and modify said model. In conclusion, a new model of Ethical Stress in CJSW in Scotland was produced.

3.2 Design Perspective

Carey (2009) stresses that the links between ontological assumptions, epistemological assumptions and methodology must be clearly and explicitly made. In the current study, the different elements are linked as described in this section.

Carey explains that ontological assumptions are “what the researcher understands reality to be like” (Carey, 2009, p68). The current study is based on my belief that social workers in CJSW may well experience ‘disjuncture’ due to the difficulty they may face in basing their practice upon their values. I hold this belief because CJSW in Scotland is located within wider social work departments of local authorities, shares the same value base as wider

social work departments and workers have had the same social work educational experience as social workers in other areas of the profession. The juxtaposition of this value ethos with the increasingly managerial and neo-liberal context of CJSW lends itself to the possibility that the experience of disjuncture may well result. The identified variables ('how the agency works with offenders', 'the agency's approach to risk', 'ethical climate of the agency' and 'ontological anxiety/guilt') might influence the extent to which workers experience disjuncture, because they may impact on how easy or difficult it is for a social worker to employ distance based, helping, relational and caring responses to service users; responses congruent with the value base of social work. I would also suggest that measures of the independent variables will vary from LA to LA, because of cultures and work practices which are specific to each LA, and will therefore result in the experience of disjuncture varying between LAs.

From this ontology, then, follows the explicit definition of the kind of knowledge I would consider to be valid in this situation i.e. my epistemological assumptions (Carey, 2009). Clearly, empirical evidence is required to ascertain whether there are significant relationships between workers' scores on the variables and on their experience of disjuncture, and to compare local authorities on the experience of disjuncture and on the other variables. Empirical knowledge comes from a positivist paradigm which, according to Rubin and Babbie (2001), is based on the central idea that scientific methods can be applied to the study of people. Carey (2009) suggests that positivist thinking proposes that studies must be undertaken objectively, with the aim of empirically testing and analysing variables and their connections. A positivist paradigm, then, would apply if my epistemological belief is that 'disjuncture' and the other independent variables are concepts in themselves which exist and can be measured. As this is my belief, I was confident in

locating the quantitative, measurable and statistically analysable sections of the CRD questionnaire within a positivist paradigm. Within a positivist paradigm, the objectivity of the researcher is emphasised, which is promoted, in this case, through the use of questionnaires which were completed independently by respondents, but might have been a risk factor in the drawing up and selection of the questions to be asked, especially given my own stance regarding CJSW and social work values. Thus, the logical content analysis of the questionnaire is very important (See Section 3.4.3, Figure 2).

The second part of the questionnaire comprised open-ended questions designed so that “participants can articulate and explore their views in more detail and depth” (Carey, 2009, p 125). This is more in keeping with an interpretivist paradigm, in that the free text answers should help to uncover “the meaning and ‘reality’ (or interpretation) of people’s experiences” (Carey, 2009, p 53). Written, free text comments from respondents were therefore obtained on each of the variables and on workers’ experience of disjuncture, to illuminate the quantitative data obtained. In other words, the qualitative data was required to *make sense* of the quantitative data and, thus, delve more deeply into respondents’ understanding of the underlying structures and influences upon the opinions explored by the quantitative questions.

I might have chosen to construct a research design which was purely positivist, and based entirely on quantitative data, but discarded that option because I wanted to hear from social workers what they felt underpinned their answers. I wanted them to be able to articulate ‘why’ they held the opinions they did and, thus, uncover the influencing factors they felt were important in relation to the variable being measured. Likewise, a purely interpretivist study design, undertaken with a smaller sample via interviews or focus groups would not

have allowed me to look for connections between variables nor compare LAs on the variables; one paradigm without the other would have rendered my study incomplete.

In summary, positivist and interpretivist paradigms (the theoretical underpinnings) co-exist within the study design. Participants were studied objectively and data gathered were subject to statistical analysis, but participants were also asked to give voice to the meanings they made of their workplace realities. Therefore, a within-stage, mixed model design was utilized; that is, a questionnaire designed for quantitative data gathering and qualitative free text answers.

3.3 Study Design

McNeill et al. (2010) discuss the ‘double-marginalisation’ of criminal justice social work in that it neither fully belongs to the wider social work world, nor to the rest of the criminal justice system (see Section 5.3.2). Therefore, the authors suggest that cultures within CJSW agencies tend to self-perpetuate, with new workers learning from experienced workers and internalising rules, beliefs and approaches. It would therefore be logical to suggest that each local authority CJSW agency might have its own quite unique culture, dependant on worker composition, managerial style, supervision expectations and style, ethical climate, size, location etc. CJSW agencies are underpinned by shared legislation and policy, but within those restrictions, a variety of interpretations and priorities might exist. For example, Kemshall (1998) suggests that managers might have a lack of trust in social workers and therefore be reluctant to ‘allow’ autonomy: “This can result in over-proceduralisation to alleviate managerial anxiety, or to alleviate a lack of confidence in

front-line operations” (Kemshall, 1998, p70). Clearly, this is one element of ‘culture’ which might vary from agency to agency.

Culture is defined by Brown (1998) as “the pattern of beliefs, values and learned ways of coping with experience...and which tend to be manifested in (the organisation’s) material arrangements and in the behaviours of its members” (Brown, 1998, p9). Given the ‘double-marginalisation’ of CJSW, then, beliefs and manifest behaviours (and the consequent experience of disjuncture) might indeed vary from local authority to local authority as people ‘learn’ ways of coping and develop beliefs, values and behaviour congruent with the agency. Alternatively, social workers might find themselves at odds with the culture, and therefore might experience significant disjuncture as already covered.

This idea, combined with the literature covered thus far, stressing the importance of the ethical climate and culture to the prevalence of ‘disjuncture’ means that the extent to which workers experience ‘disjuncture’ might well depend on the agency they work within. This study, therefore, must take account of these possible variations, and not assume that there is a nationwide, homogeneous CJSW culture. It must, in fact, avoid the error of “overgeneralization” (Rubin and Babbie, 2001, p15), that is, the assumption that findings in one agency can be ‘generalised’ to other agencies because of their shared remit. As has been discussed, specific cultures are too powerful an influence on this particular area of study to make such an assumption. Also, because of the need to make comparisons between agencies, the sample size needed to be large enough to allow statistical analysis.

Before discussing specific methods used, the proposed model of ‘disjuncture,’ constructed from the four variables drawn from the literature needs to be demonstrated. It is this model

which the research study tested out. In other words, were the variables connected to ‘disjuncture’ in the way suggested from the literature? The suggestion, upon which the research questions are based, is that there may be a model of CJSW-related disjuncture, within which the possible variations in culture mentioned above can be taken account of. The two columns in the table (Figure 1) comprise opposite ends of the CJSW-related disjuncture model. It is suggested that the elements in column 1 will show a relationship, as will the elements in column 2. Therefore, it is hypothesised that if an agency is characterised by strong risk-aversion, procedural practice with offenders, ontological guilt (but little ontological anxiety) and managerial and procedural supervision/culture, then the workers will experience significant disjuncture. The more an agency moves away from the above description towards one characterised by the elements in the second column, then the hypothesis would suggest that workers’ disjuncture would reduce.

Figure 1: CJSW-Related Disjuncture

	(Column 1) Workers experience significant disjuncture	(Column 2) Workers experience negligible disjuncture
Perception of risk practices	Strong risk aversion and perception of blame culture	Risk taking supported and perception of supportive culture. Bad outcomes recognised as inevitable.
Type of work with offenders	Procedural, technicist practice. No room for discretion	Responsivity promoted. Desistance approaches implemented. Workers 'help' and 'care'.
Ontological concepts	No ontological anxiety- 'safe' options. Existence of ontological guilt	Agency supportive of the existence of ontological anxiety.
Perception of culture	Supervision is managerial. Overall culture managerial and process driven.	Supervision accommodates discussion of value positions. Overall culture innovative and responsive.

The four independent variables shown in Figure 1, and the dependent variable 'disjuncture' needed to be, therefore, quantified and measured in a large sample of criminal justice social workers. In this way, the connections between the variables could be explored. Engel and Schutt (2009) suggest that "operationalization is the process of connecting concepts to observations" (Engel and Schutt, 2009, p76). Therefore, CJSW-related disjuncture was the concept under investigation, connected to the four variables above. The next step, then, was for the four variables to be 'operationalised' by distilling specific questions from each of them. The concept of CJSW-related disjuncture would then be connected to observations which, in this case, were the questionnaire answers. Methods used for exploring the research questions will now be examined.

3.4 Methods

This section of the methodology will “describe the exact steps that ... (were) undertaken to address...(the) hypothesis or research questions” (Rudestam and Newton, 2007, p87), in other words, the methods used.

3.4.1 Ethical Approval

I applied for ethical approval for the study from The University of Dundee’s University Research Ethics Committee (UREC), and was granted permission to embark on my study on 7th November, 2011 (see Appendix 1 and 2). UREC’s code of practice is based on the three central principles of ‘informed consent,’ ‘confidentiality’ and ‘respect’ (University of Dundee, 2012). To obtain approval, I had to ensure that participants were well informed about the study. I did this by giving brief details in the email which was sent requesting that they take part, and including the link to the questionnaire, but also by including as a first page, a participant information sheet which covered details of what the study was about, what the information would be used for, how anonymity could be guaranteed, who would have sight of the data and who to contact if the participant had any questions. I also made sure that participants knew they could opt out of completing the questionnaire at any time. Informed consent was assumed by the participant then agreeing to participate, in other words, “consent by participation” (University of Dundee, 2012, p2). Confidentiality was ensured by not using names or LA identification in any of the written material which came from the data, and by ensuring that the data would be stored in line with data protection legislation. Finally, participants were treated respectfully in all email

correspondence and I will disseminate my findings to those LAs taking part once the findings have been judged to be of an acceptable standard.

3.4.2 Participants

In order to answer the research questions, several criminal justice agencies were studied to test the connections between variables in the whole sample, but also to find out whether there were significant differences between agencies, thus answering both research questions. According to May (1993) sampling does not necessarily mean sampling individuals only, but that there can be a variety of units of analysis, in this case both individual social workers (research question 1) and local authority CJSW agencies (research question 2). Taking into consideration time and resource implications and the need to obtain permission from each local authority, the choice was made to include four local authorities in the study and to choose contrasting settings, that is, two urban and two more rural LAs. This allowed for comparison between four settings/four cultures as well as generating a large sample of individual social workers for statistical analysis. I decided not to choose the LA where I had worked in CJSW for approximately 12 years due to the possibility that the completion of the questionnaire would have been affected by existing relationships I have with some of the respondents. I might also have been less objective during the analysis of the data due to predetermined ideas about the agency.

240 basic grade social workers across the four LAs were sent questionnaires via email. I obtained permission by writing to the head of service in each LA, describing my study requirements to them and sharing a 'word' version of my on-line questionnaire with them

so that they could see every question which was to be asked. Each head of service then obtained permission from within their LA and forwarded a contact name to me (usually a member of administration staff) who was then responsible for sending out my explanatory email and link to the 'Bristol Online Survey' questionnaire. After the initial email had been distributed, I sent two reminder emails, again, containing the link. I was very clear in my correspondence with the LAs that only front line, basic grade, CJSW social workers should be asked to complete the questionnaire as I wanted to hear from people who actually did the face-to-face work with offenders. The whole premise of my research study was that within the arena of actual work with offenders lies the potential for 'disjuncture,' so my target group of responders had to be the ones doing that work. I had to know in advance that my questionnaire would reach a sufficient number of social workers to probably obtain a large enough return sample to undertake the statistical research required (see Section 3.4.4). 103 questionnaires were returned, which was a response rate of 43%. Three of the questionnaires, however, had to be removed because the social workers who completed them worked with victims of domestic violence rather than directly with offenders. This left a usable sample of 100, the equivalent of a 42% response rate.

3.4.3 Instrumentation

The model of CRD suggested from the literature was operationalised by translating the model into a questionnaire format (See appendix 3). Therefore, the four independent variables were measured by measuring a set of questions pertaining to that variable. The worker's experience of 'disjuncture' was then measured by a set of questions pertaining to disjuncture. Questions were Likert-type, with measures of 'strongly agree' to 'strongly

disagree.’ Questionnaires were chosen as the instrument because, as Rubin and Babbie (2001) state, “surveys are...excellent vehicles for measuring attitudes and orientations in a large population” (Rubin and Babbie, 2001, p361). May (1993), however, suggests that there are some drawbacks with questionnaires such as they do not allow for probing below the surface of the answer. This, of course, is true in the case of the quantitative data gathering section of the questionnaire, but the opportunity for respondents to make free text comments on each of the question areas, hopefully addressed that concern to some degree. Respondents were able to make comment on anything they wished to, at the end of each section. May also points out that response rate might be low, and will depend on the questionnaire being of interest to the respondents. According to the literature examined thus far, the subject of value-behaviour congruence can produce strong feeling for workers, and the usable response rate of 42% was not entirely unexpected.

I decided that questions would start with “classification questions” (May, 1993, p77), for example, age, gender and years in criminal justice statutory work. This information would allow, during analysis, to ascertain if any of those variables were having a significant influence on the results.

Validity

The first step in drawing up a questionnaire is distilling the questions from each of the variables and, in this way, operationalising the variable and shaping the content and validity of the questionnaire (Rudestam and Newton, 2007). Validity is the strength of any tool in actually measuring what it sets out to measure (Fischer and Corcoran, 2007). Questions are drawn from “the theoretical and empirical literature and surveying the

opinion of experts” (Rudestam and Newton, 2007, p 98). To this end, then, the literature review was revisited and, according to the literature, questions pertaining to each of the variables were identified.

Having identified an initial pool of questions, the next step was to undertake a ‘logical content analysis,’ which is “the procedure the instrument developer used to evaluate the content of the items” (Fischer and Corcoran, 2007, p13). In order to be confident in the ‘logical content validity’ of the questionnaire, I had to be able to explicitly demonstrate the logic and literature base for each question. The ‘logical content analysis’ is therefore demonstrated in Figure 2:

Figure 2: Logical Content Analysis of Questionnaire

Question	Underpinning Literature
Variable: How we work with offenders:	
We work with offenders mainly via set programmes of work (usually from a manual or via prescribed sessions)	The criticisms of stand-alone ‘programmed’ work not allowing workers to be responsive and to ‘help’ when necessary (McNeill et al. 2005; Fenton, 2012a)
I am encouraged by my agency to really get to know the offender and to build a relationship with them	Importance of relationship (McNeill et al., 2005). Desistance theory (e.g. McCulloch and McNeill, 2008; Farrall, 2002 etc.)
My agency allows me autonomy to help people with their own individual problems	Desistance theory. The importance of this in reducing experience of disjuncture (e.g. Kosny and Eakin, 2008)
My agency promotes a desistance approach to work with offenders i.e. building a relationship, supporting the offenders own endeavour or stop offending etc.	Desistance theory.
I am able to do the above ‘helping’ and welfare work explicitly	As above

I am only able to do the 'helping' and responsive work quietly and discreetly	"Quiet and discreet" welfare work going on (McNeill, 2004)
My agency supports the belief that helping my clients is legitimate as an end in itself	The illumination of this point in <i>Key practice skills</i> , (McNeill et al., 2005)
My agency supports the belief that helping offenders is only legitimate as a component of reducing offending	As above – is it still ambiguous?
My agency is concerned with doing things 'to' clients to stop them offending rather than working 'with' them	Cognitive-behavioural group work (e.g. Kendall, 2004) versus desistance approaches (e.g. Farrall, 2002)
As an agency, we give importance to social capital (i.e. clients' links and bonds the community and other people)	Desistance theory
As an agency, we are more concerned with risk management than issues of welfare	McNeill and Whyte (2007) public protection or rehabilitation as priority? Has public protection supplanted welfare work? Croall (2005)
My agency is more concerned with public protection than with the welfare of the client	As above
Helping with welfare problems (even if not directly criminogenic) is core to the agency's work	As above. McNeill et al. (2005), helping is a legitimate endeavour in its own right.
My agency really encourages me to empathise with the clients I am working with	Desistance theory. Ethics of care (Manning, 1998)
I have the opportunities to get to know my clients well enough to really understand them	As above. Gregory (2010)
Understanding things from my client's point of view is seen as irrelevant by my agency	As above. The importance of 'sympathetic understanding' (Ethics of care, Manning, 1998)
My agency encourages me to try to get to know the social network surrounding my clients	As above
My agency encourages me to engage with clients' families as a matter of course	As above
My agency encourages me to care about the clients I work with	As above
Variable: Ethical climate of the agency:	

Supervision is mainly about following procedures and meeting key performance indicators.	The trend for supervision to become managerial and therefore not allow ethically sensitive discussion of values (essential for the reduction of disjuncture) Beddoe (2010). Also, Calderwood et al., 2009
Supervision allows me time and space to discuss my work properly, including issues of values	As above
In my workplace, discussion of values and ethics is encouraged	The importance of the ethical climate in reducing disjuncture (O'Donnell et al., 2008, Calderwood et al., 2009, Kosny and Eakin, 2008). Also McNeill et al., 2010
In my workplace, values are seen as having an important place in decision making	Calderwood et al., 2009. Different value positions can be aired. Values considered explicitly.
I would describe the culture of my agency as responsive to service users' needs	Desistance approach – does the culture allow it?
I would describe the culture of my agency as procedurally driven	As above
Management in my agency impose new procedures on us without consultation	An element of ethical climate (McNeill et al., 2010 – importance of involving workers)
Staff are involved in any changes proposed to the working practices of the agency	As above
I would describe the culture of the agency as 'managerial'	The state of statutory social work? (e.g. Jones, 2003; Webb, 2006)
My workload is such that it impacts on the time I have to work with service users in the way I want	Important for desistance approaches and reflective of the culture (i.e. time required for responsive work and to avoid technical practice). Added after consultation with expert panel.
Management recognizes that workloads need to be at a level that allows for time for thorough work with service-users to be done	As above
Variable: Agency approach to risk:	

A 'blame culture' exists within our agency	Phillips' (2009) – workers' perceptions of being blamed if things go wrong and the restrictive effect this might have on workers – leading to procedural practice that increases disjuncture. Also, Webb (2006), Littlechild (2010) etc.
I am allowed to take risks in my work	Littlechild's (2010) work about unrealistic expectations that workers will always 'get it right', and the value of agencies' acceptance of inevitable poor outcomes. The link this has to decreased disjuncture and autonomous practice. Also, Taylor, 2007.
I am allowed to work innovatively with service users	As above
My agency is ultimately concerned with staying 'safe'	Kemshall (2003), Webb (2006), Phillips (2009), Taylor (2007), Barry (2007) etc.
'Risk averse' describes my agency well	As above
We rely on actuarial and standardized methods of risk assessment	As above
Really getting to know the client is important in our risk assessment process	McNeill et al. (2010)
We concentrate more on risk control than working to produce change in clients' lives	Hudson (2001), Barry (2007)
We balance risk assessment with explicit consideration of the client's human rights	Hudson (2001)
There is an expectation from management that if someone re-offends, we should have known and prevented it	Phillips (2009), Littlechild (2010), Webb (2006) etc. The assumption that a bad outcome equates to bad practice (McDonald, 1990a, 1990b; Hollis and Howe (1990)
If there is a bad outcome with one of our cases, bad practice is assumed as a starting point	As above
It is accepted by my agency that even good decisions can result in bad outcomes	As above. An acceptance that bad outcomes can sometimes result from good decisions.
The most important thing about risk management is that I can show I have practiced with 'due diligence' should something go wrong	Barry (2007) Workers feeling the temptation to be risk averse. Phillips (2009)

I report throughcare clients to the Parole Board now for things we would have dealt with internally in the past	<i>Scotland's Choice</i> (Scottish Government, 2008b). Harding (2006)
Structured risk assessment tools make my work more professional	Robinson (2003)
Variable: Ontological anxiety/guilt:	
In an ideal social work world I should be able to act in good faith and be guided by my conscience	Taylor (2007)
In the real social work world I am not able to do that	As above.
I am worried by the anxiety that having autonomy can produce	Autonomy can lead to the ability to take risks, but often produces (healthy) ontological anxiety and should reduce disjuncture, people are working in accordance with their 'inner voice' (Taylor, 2007).
My agency tolerates work which might produce anxiety	As above. Barry (2007)
I wish I had more autonomy	As above. Desistance requires autonomy. But would workers want it? (Phillips, 2009, Barry, 2007)
I sometimes have to follow procedures or take action that doesn't feel 'right' in terms of my conscience	Ontological guilt (Taylor, 2007)
When I have to follow procedures that don't feel 'right' it causes stress	As above
I am happy to follow procedures to avoid being blamed if things go wrong	Phillips (2009): the fear of being 'blamed'
I am confident enough in the support of my agency to act in accordance with my conscience	Taylor (2007): reduction of ontological guilt.
I act in accordance with my conscience without the support of my agency	Risking the 'safe' option by subverting an agency risk averse approach in order to avoid ontological guilt (e.g. Sawyer, 2009)
I am not able to act in accordance with my conscience	Ontological guilt (Taylor, 2007)
In my work, I constantly have to follow procedures without using discretion	Risk aversion, procedural practice (Jones, 2001; Barry, 2007; Webb, 2006 etc.)

Constantly following procedures can become dispiriting	As above
I sometimes choose not to follow procedures	As above
If I ever choose not to follow procedures, I don't tell my supervisor or manager	Ignoring the policy/procedure to 'do the right thing' (Sawyer, 2009)
It is important I always follow procedures regardless of what I feel about them	As above. Showing 'due diligence' (Phillips, 2009)
I follow procedures diligently so that I am protected if something goes wrong	As above

Similarly, the questions on 'disjuncture' required tracking to the literature sources to give them 'logical content validity.' Firstly, however, the question of how the questionnaire set out to measure the concept of disjuncture must be addressed. Di Franks (2008) stated "The concept of 'disjuncture' was operationalized by Likert-type scale questions that measured the tension that social workers feel as a result of implementing or not implementing behaviours in regard to the Code (NASW Code of Ethics)" (Di Franks, 2008, p2). Di Franks gives the example: "I experience stress because I am not always able to protect my clients' rights to privacy.." (ibid. p2). Di Franks was specifically looking at the values explicitly addressed by the NASW Code of Ethics, whereas in the current study, disjuncture as a result of the concepts identified from the review of the literature was being explored; for example being able to help, being able to care, being able to respond as required and being able to really get to know the service-user. Questions, and their basis in literature, were, therefore, as follows (Figure 3):

Figure 3: Logical Content Analysis of 'Disjuncture' Questions

I experience stress because I am not always able to help my clients in the way I want to	The importance of being able to help when required – the central importance of this to workers' experience of disjuncture (Kosny and Eakin, 2008; Jones, 2001; Preston-Shoot, 2003)
I experience stress because I am not always able to respond in the way I want to clients	As above
I experience stress because I am not able to treat my clients with the care they need	Manning (1998); McNeill et al. (2005). <i>Key Practice Skills</i> consistent with important elements of an ethics of care approach, and this in turn impacting on disjuncture (Kosny and Eakin, 2008)
I experience stress because I am not really able to get to know my clients	The centrality of this in taking a desistance approach, and the consequent reduction in disjuncture (Farrall, 2002; McNeill et al., 2005 and Kosny and Eakin, 2008)
I experience stress because I am unable to base my practice on my values	A general indication from the worker about their overall experience of disjuncture (Di Franks, 2008)
Not being able to get to know, help, respond and care about my clients reduces my job satisfaction	Di Franks (2008), O'Donnell et al. (2008)
Not being able to get to know, help, respond and care about my clients makes me consider changing my job	As above

At the end of each question section, respondents were asked “Is there anything you would like to clarify about your answers to this section’s questions?” This allowed respondents to articulate the actual issues they felt were important, rather than being constrained by specific areas of enquiry. Respondents were free to express any thoughts they may have in relation to the question area, regardless of the subject of enquiry via the Likert-type questions. Thus, a layer of understanding in relation to the empirical data gathered, was obtained.

According to Rudestam and Newton (2007), the next step in designing an instrument or questionnaire is to establish face validity and to check for clarity. They suggest that this be done by establishing a group of experts who would be tasked with checking the questionnaire. I, therefore, identified a group of nine criminal justice social workers, several still in practice and others who had moved into academia from practice, and asked them to examine the questionnaire and give their opinions on its validity. The group of experts considered the questionnaire and concluded that the questions did seem to be measuring what they were attempting to measure. They also made some suggestions about inclusions and amendments to the questions. All of the suggestions were considered and included.

The final validity check I made was undertaken once the data had been collected, and is known as ‘convergent validity’ (Fischer and Corcoran, 2007). In essence, this is a measure of whether the identified questionnaire items actually do correlate with what they are attempting to measure. Therefore, in this case, does a social worker’s measure of disjuncture correlate with each of the questionnaire’s question section’s scores (that is, each of the variables)? In other words, “do scores on a measure converge with theoretically relevant variables” (Fischer and Corcoran, 2007, p14). Therefore, validity was investigated by examining whether the scores for the “theoretically relevant variables” (the question sections which operationalise the variables) do in fact correlate (or converge) with the scores for disjuncture (see Figure 1, for an illustration of how the variables are linked to each other and to the dependent variable, ‘disjuncture’).

Figure 4: Correlations between all variables

			Work with Offenders	Ethical Climate	Approach to Risk	Ontological Guilt	Disjunctur e
Work Offenders	with	Pearson	1	.763(**)	.752(**)	.578(**)	.559(**)
		Correlation					
		Sig. (2-tailed)		.000	.000	.000	.000
Ethical Climate		N	100	100	100	100	100
		Pearson	.763(**)	1	.840(**)	.677(**)	.699(**)
		Correlation					
Approach to Risk		Sig. (2-tailed)	.000		.000	.000	.000
		N	100	100	100	100	100
		Pearson	.752(**)	.840(**)	1	.742(**)	.620(**)
Ontological Guilt		Correlation					
		Sig. (2-tailed)	.000	.000	.000	.000	.000
		N	100	100	100	100	100
Disjuncture		Pearson	.578(**)	.677(**)	.742(**)	1	.661(**)
		Correlation					
		Sig. (2-tailed)	.000	.000	.000	.000	.000
		N	100	100	100	100	100
		Pearson	.559(**)	.699(**)	.620(**)	.661(**)	1
		Correlation					
		Sig. (2-tailed)	.000	.000	.000	.000	.000
		N	100	100	100	100	100

** Correlation is significant at the 0.01 level (2-tailed).

Pallant (2010) suggests that the measures above demonstrate “large” correlations because they lie between 0.5 and 1.0 (Pallant, 2010, p134). The questionnaire can, therefore, be considered to have robust convergent validity due to large correlations the variables have with each other, and with the dependent variable, disjuncture.

In summary, then, validity of the questionnaire was demonstrated by logical content analysis, face validity and convergent validity. It seems that the instrument is, as much as can be ascertained, measuring what it set out to measure.

Reliability

According to Rudestam and Newton (2007), the next step is to ensure that the CJSW-related disjuncture questionnaire is reliable. In other words, is it stable and will it measure the same thing with each administration (Fischer and Corcoran, 2007)? There are several ways in which this can be ascertained, for example, the questionnaire could be administered twice, with a time lapse between i.e. test-retest reliability (Fischer and Corcoran, 2007). This would however, put a significant additional burden on the social workers who were asked to complete the questionnaire, and it could be suggested that there might be poor returns for the second administration. Alternatively, two versions of the tool could be administered and checked for similar measurements i.e. parallel forms reliability (Fischer and Corcoran, 2007). This is not possible, however, as there is only one version of the CRD questionnaire.

Measuring internal consistency is another way to check for reliability, that is, finding out if all the questions are actually tapping into the same phenomenon (in this case the relevant variable). In essence the questions in the questionnaire's variable sub scales should correlate with each other and this can be measured by determining Cronbach's coefficient alpha, which is a statistical measure of the correlation between questionnaire items, in this case, questions (ibid). A Cronbach's coefficient alpha of 0.8 or above is a measure of good internal consistency. For the purposes of this study, then, each of the variable sub scales were analysed for reliability, once the data were gathered, with the following results:

Figure 5: Internal Consistency of the Questionnaire Sub-Sections

Variable	Cronbach's coefficient alpha
How we work with offenders	.918
Ethical Climate	.917
Perception of Risk Approach	.872
Ontological Concepts	.703
Disjuncture	.892

According to Pallant (2010), values above .7 are acceptable, and values above .8 are good.

Clearly, therefore, the questionnaire sub scales demonstrate robust internal consistency.

3.4.4 Data Analysis

Quantitative

For the quantitative analysis of the data, I used SPSS (2007) for Windows, version 16.0.

The analysis began with descriptive statistics to explore the demographics of the group of respondents (N=100). Secondly, tests for normality were executed to allow further statistical testing based on the assumption of normality. Convergent validity and reliability were then tested for as discussed earlier.

Research question 1 was then analysed by running a standard multiple regression which measures whether a set of variables ('how the agency works with offenders,' 'agency approach to risk,' ontological anxiety/guilt' and 'ethical climate of the agency') can predict an outcome (in this case the experience of 'disjuncture'). In order to run a standard

multiple regression, the sample size must conform to the formula $N > 50 + 8m$ where m = number of independent variables (Pallant, 2010). In this case, $m=4$, so 82 subjects are required. As $N=100$, the sample was big enough.

Results from the standard multiple regression demonstrated that the combined variables were able to predict the experience of disjuncture to a significant level ($p < .001$). Further investigation, however, demonstrated that only 'ethical climate of the agency' and 'ontological anxiety/guilt' were in fact making significant and unique contributions to the experience of disjuncture, 'approach to working with offenders' and 'approach to risk' were not. To illustrate this, the connections were further explored by running a series of standard multiple regressions, with each of the variables as the outcome variable. These results are shown in Figure 13 and depicted diagrammatically in Diagram 1.

Due to the unexpected interconnections between the variables, 'disjuncture' and 'ontological anxiety/guilt' were combined into one new variable called 'ethical stress.' The viability of this was investigated by ascertaining the internal consistency of the new sub scale. The Cronbach's coefficient alpha was found to be .780. Although this demonstrates acceptable internal consistency, the new scale did have substantially lower internal consistency than the 'disjuncture' sub scale alone (.892), although higher than the ontological anxiety/guilt scale alone (.703). When I examined the column 'Cronbach's alpha if item is deleted' I found that one question, 13a, appeared to be having a powerful effect on the internal consistency. Without question 13a, Cronbach's coefficient alpha was .817, which is a 'good' level of internal consistency (Pallant, 2010). Question 13a is: "In an ideal social work world, I should be able to act in good faith and be guided by my conscience," and, upon reflection, I realised that this question was incompatible with the

old ‘ontological anxiety/guilt’ scale as well as the new ‘ethical stress’ scale. Question 13a measured what social workers think an ideal world looks like, whereas the sub scale ‘ontological anxiety/guilt’ attempted to measure the level of (healthy) anxiety an agency and the individual within that agency can tolerate. Within the hypothesis of the study, this scale could justifiably be merged with ‘disjuncture’ because I am suggesting that the more responsive and un-risk averse a social worker can be, the less disjuncture/ontological guilt they should experience. In other words, ontological anxiety is another aspect to disjuncture (the less anxiety, the more ontological guilt (disjuncture) as explained in Section 2.3) rather than a separate variable. Returning to question 13a, I realised that it was, indeed, a poor question which enquired about the wrong concept and, therefore, removed question 13a from the new ‘ethical stress’ scale. As a further check on the new scale, I ran a principle components analysis (PCA) (see Section 4.5). Another series of standard multiple regressions were then conducted to verify the significant and contributory relationships between ‘ethical stress,’ ‘how the agency works with offenders,’ ‘agency approach to risk’ and ‘ethical climate.’ Results are shown in Diagram 2 and Figures 15, 16, 17 and 18.

Research question 2 was explored by running a one-way between groups multivariate analysis of variance (MANOVA) to compare the local authority groupings on the variables (that is the four variables, which include the ‘new’ variable, ‘ethical stress’). According to Pallant (2010), in order to run the test, there must be more subjects in each cell than the number of variables (in this case, four). As LA4 returned 5 responses (the lowest return rate of the four LAs) and thus exceeded the minimum, all four LAs could be included in the MANOVA. Results can be found in Section 4.6.

Finally, in terms of quantitative data, an emergent finding which suggested differences between older, more experienced workers and younger, less experienced workers, was investigated by undertaking a correlation between years of experience and all four variables; and a partial correlation of the same relationships but controlling for age. Also a MANOVA was conducted on two distinct groups of workers: those who started in CJSW before 1997, and those who started afterwards. Results can be found in Section 4.8. and Figures 20 and 21.

Qualitative Data

To undertake an analysis of the free text comments, I printed out the comment sheets from the combined questionnaires and read the comments over several times. I immersed myself in the data and allowed themes to ‘emerge’ inductively (Carey, 2009). I might have chosen a system of analysis whereby the categories or themes were pre-determined (Smith, 2009), but decided against this as I wanted to ascertain workers’ actual feelings about the work, rather than to simply look for supporting comments for my statistical results. As I had asked respondents to comment on anything they wanted to in relation to the topic, I did not then want to diminish the full expression of their thoughts by only looking for themes as identified by me. Smith (2009) discusses keeping in mind at all times the relevance and connection the theme has to the original research questions, and as I became very familiar with the data and the emerging themes, I found I was indeed able to begin to make meaning of the comments in terms of the research questions. Once the themes began to emerge, I was able to code the comments into the emerging themes and thus was able to ascertain which themes were most prevalent. I then counted the number of comments which made reference to each theme (and some comments made reference to more than

one theme, so were coded into all relevant themes) and, finally, was able to rank the themes in terms of their prevalence. The themes and their order of prevalence are demonstrated in Figure 19.

3.5 Limitations

One of the limitations of the study is that, because of resource implications, only four LA agencies were studied. One of the smaller LAs only returned five responses, which just reached the minimum requirement for MANOVA testing. A clearer, and maybe different, picture might have emerged had all the LAs in Scotland been studied.

As will be discussed in Section 5.2.6, the current study explored the importance of the LA agency in terms of the organisation, rather than the individual team cultures. Although this is thoroughly explored in Section 5.2.6, and the importance of the overall LA organisational culture highlighted, it may be that the study has missed some important features of culture by not drilling down into, and comparing, perceptions of the elements of team culture.

Had I know in advance that the importance of the role of the senior social worker (SSW) in terms of sharing decision making with social workers, I would have included more tailored and specific questions in relation to the idea. Instead, I relied on unsolicited comments made throughout the study, and on the specific literature in relation to this (see Section 5.2.3). Likewise, the SSW's role in socialising new members of the team into the organisation and in setting the tone in terms of values and social justice commitment (see

Section 5.2.6) would have been very deserving of specific questions designed to investigate the concept more fully.

3.6 Conclusion

In this section, I have attempted to explain in detail what I did and why I did it, from questionnaire formulation to data analysis. Hopefully, this section, in conjunction with the ensuing 'Results' section, will create a logical and transparent link between the review of the literature and the discussion of the findings.

4 Results

4.1 Introduction

This section will explore the analysis of the data returned from the questionnaires. Of the 240, 103 questionnaires were returned, fully completed. Three questionnaires were removed as the social workers worked with victims as opposed to offenders and the current study is about working directly with offenders. This left a sample of 100 (N=100), which is a usable response rate of 42%.

An initial examination of the data found that 41% of respondents were from LA1, 19% from LA2, 35% from LA3 and 5% from LA4. 56% of respondents were women, and 44% were men. Mean age of respondents was 44.42, and the mean number of years experience in criminal justice social work was 9.31. To ensure that neither age, years of experience nor sex varied significantly from one local authority to another, a one way between-groups multivariate analysis of variance (MANOVA) was performed on the dependent variables age, years of experience and sex. There was no significant difference between local authority groups, $F(9, 229) = .860, p = .108$.

This section will, first of all, check for correlations between the variables to check and contextualise the measures of convergent validity (see Section 3.4.3). The research questions will then be explored, the qualitative data will be analysed and, finally, additional findings will be outlined.

4.2 Normality

Before undertaking the analysis of the data, they required checking for normality:

Figure 6: Normality Measures of the Variables

	Kolmogorov-Smirnov(a)			Shapiro-Wilk		
	Statistic	df	Sig.	Statistic	df	Sig.
Work with Offenders	.106	100	.007	.980	100	.127
Ethical Climate	.095	100	.028	.975	100	.053
Approach to Risk	.105	100	.009	.960	100	.004
Ontological Guilt	.074	100	.200	.980	100	.134
Disjuncture	.097	100	.021	.985	100	.307
Variable Totals	.069	100	.200(*)	.984	100	.250

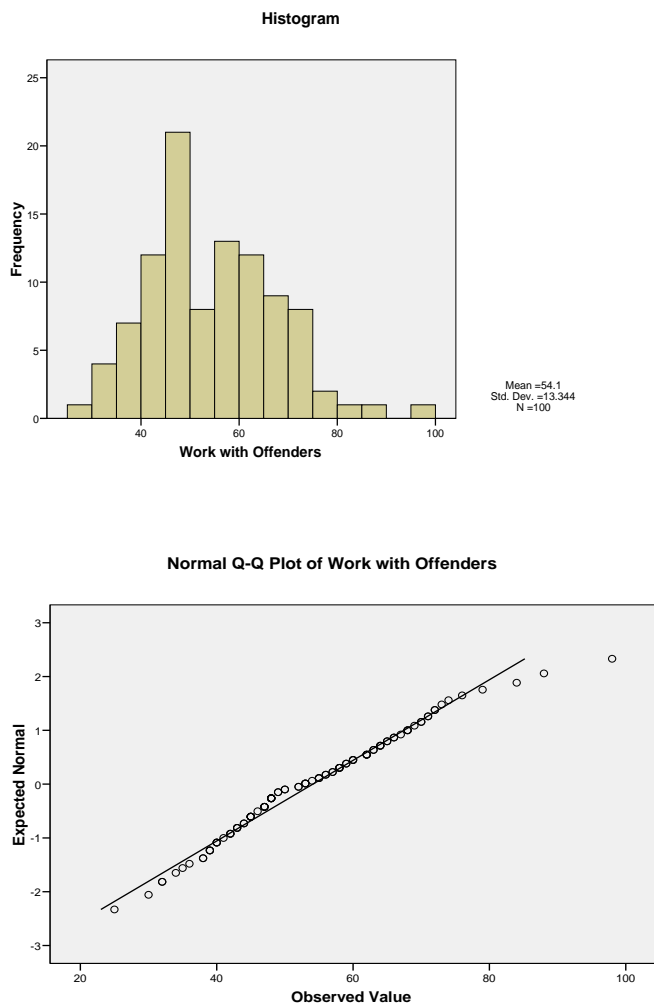
* This is a lower bound of the true significance.

a Lilliefors Significance Correction

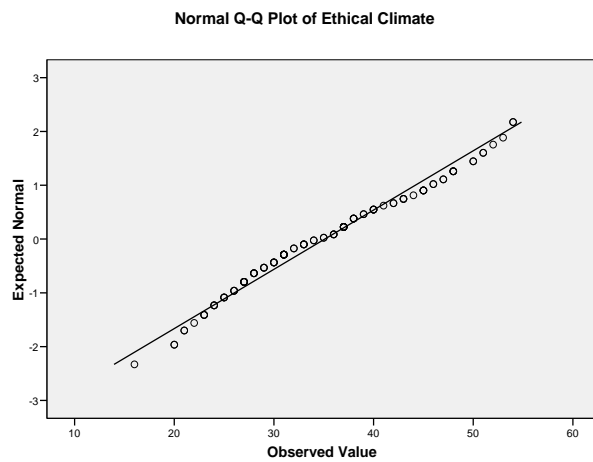
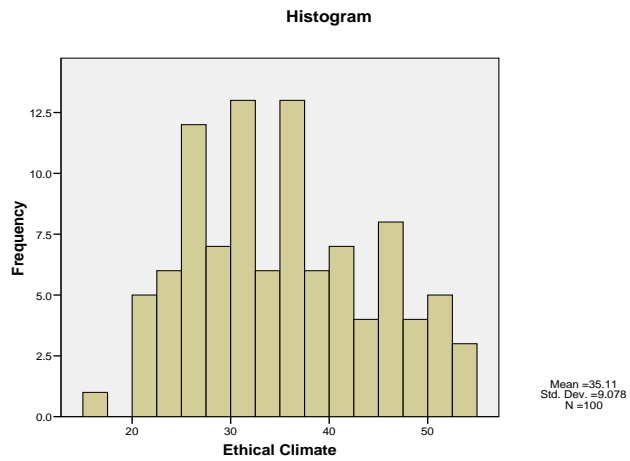
Results for all variables (apart from Ontological Guilt and Variable Totals which show a non-significant Kolmogorov-Smirnov statistic and therefore do not violate the assumption of normality) show that the assumption of normality has been violated because all Kolmogorov-Smirnov statistics are significant. However, according to Pallant (2010) this is not uncommon in larger samples. Pallant suggests inspecting the histogram distributions and the normal probability plots, all of which show reasonably normal spreads and normal probability plots (See Figure 7). Pallant (2010, p63) states that “a reasonably straight line suggests a normal distribution,” and lines were all reasonably straight.

Figure 7: Normality graphs:

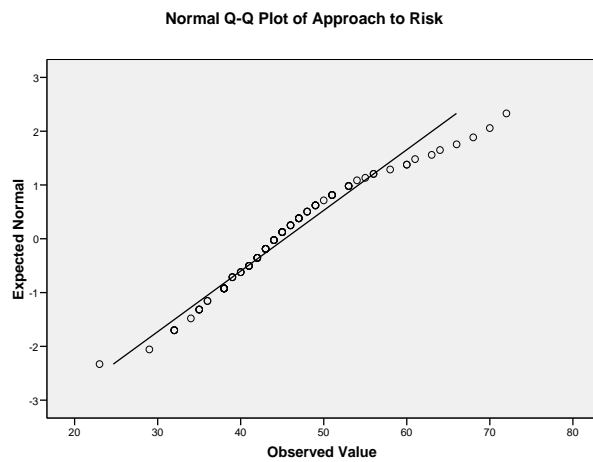
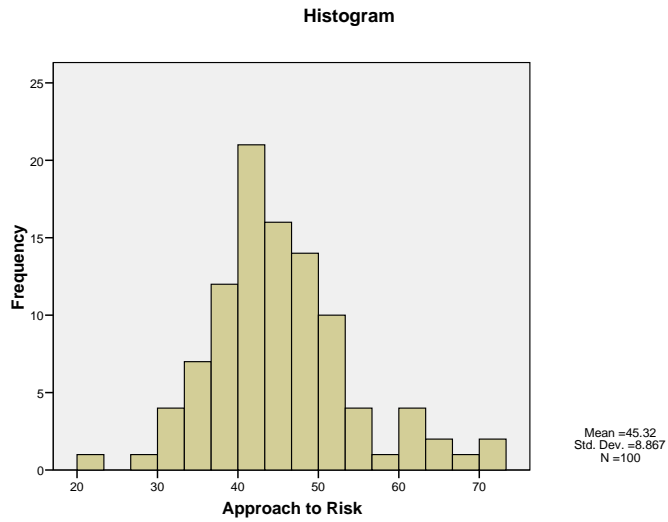
Work with offenders:



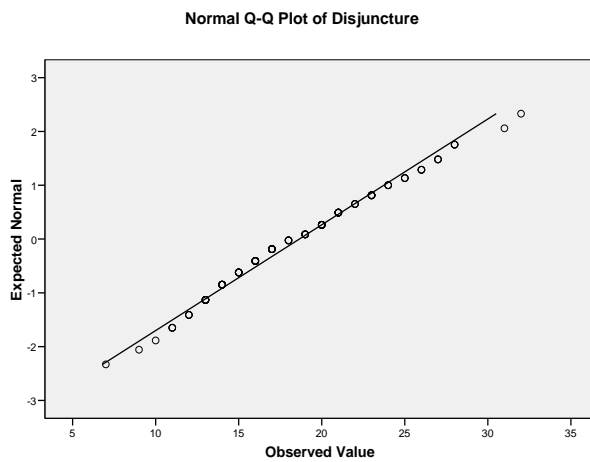
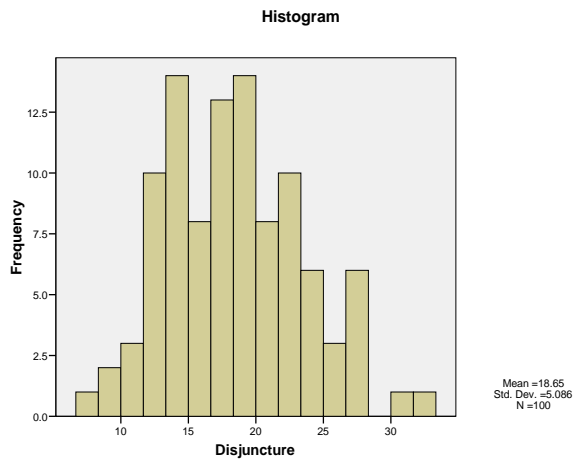
Ethical Climate:



Approach to Risk:



Disjuncture:



Overall, therefore, the histograms and normal probability plots demonstrate that it would be reasonable to proceed with the statistical tests which require normal distributions.

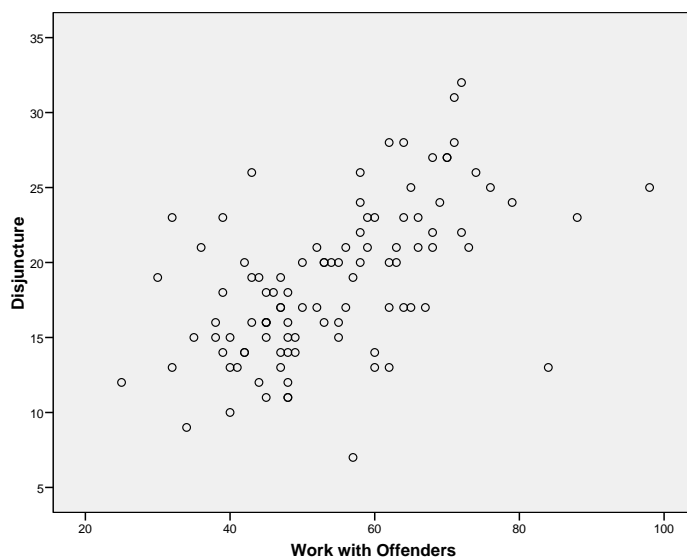
4.3 Convergent validity

Firstly, correlations between each variable and disjuncture scores needed to be calculated. Do the variables correlate with experience of disjuncture as suggested, that is, all the independent variables would be expected to correlate with the level of disjuncture experienced as per the exploration of convergent validity in Section 3.4.3.

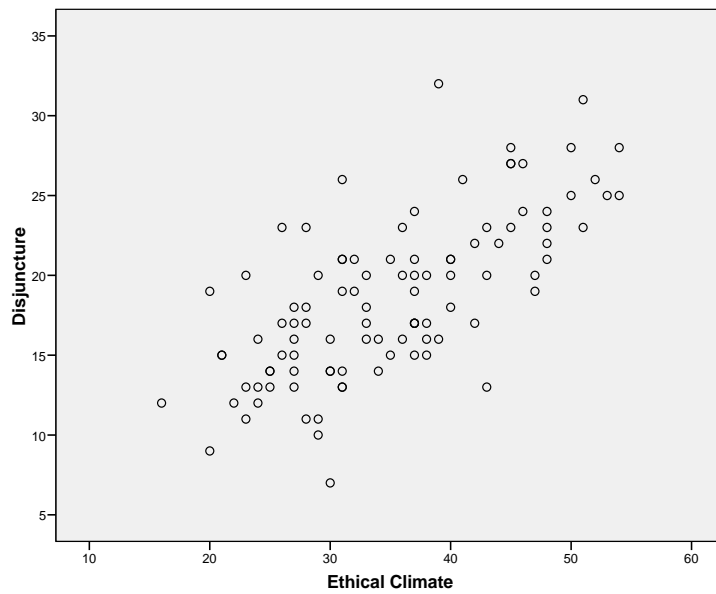
According to Pallant (2010) the preliminary analysis for correlation should be the generation of scatter plots. Scatterplots are therefore shown in Figure 8 for each variable (x axis) against disjuncture scores (y variable):

Figure 8: Scatter plots

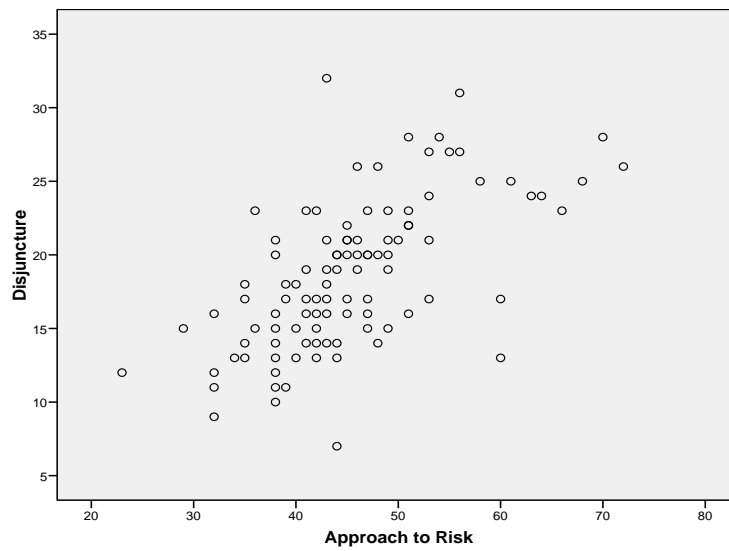
Work with Offenders:



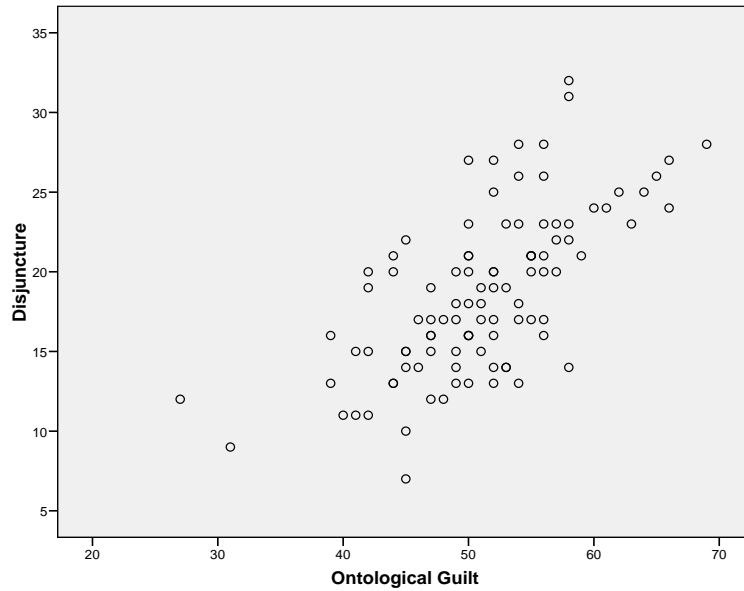
Ethical climate



Approach to Risk



Ontological Guilt



All scatterplots were checked for outliers and cross checked for errors (violation of assumptions of linearity and homoscedasticity). No extreme outliers and no errors were found.

The shape of the distributions suggest correlations and all distributions are in a positive direction. If the variables do indeed show statistically significant correlations, it will mean that as the scores for the variable increase, so does the reported experience of disjuncture.

Correlations were then undertaken and results are shown in Figure 9:

Figure 9: Correlations Between Variables

			Work with Offenders	Ethical Climate	Approach to Risk	Ontological Guilt	Disjunctur e
Work Offenders	with	Pearson Correlation	1	.763(**)	.752(**)	.578(**)	.559(**)
		Sig. (2-tailed)		.000	.000	.000	.000
		N	100	100	100	100	100
Ethical Climate		Pearson Correlation	.763(**)	1	.840(**)	.677(**)	.699(**)
		Sig. (2-tailed)	.000		.000	.000	.000
		N	100	100	100	100	100
Approach to Risk		Pearson Correlation	.752(**)	.840(**)	1	.742(**)	.620(**)
		Sig. (2-tailed)	.000	.000		.000	.000
		N	100	100	100	100	100
Ontological Guilt		Pearson Correlation	.578(**)	.677(**)	.742(**)	1	.661(**)
		Sig. (2-tailed)	.000	.000	.000		.000
		N	100	100	100	100	100
Disjuncture		Pearson Correlation	.559(**)	.699(**)	.620(**)	.661(**)	1
		Sig. (2-tailed)	.000	.000	.000	.000	
		N	100	100	100	100	100

** Correlation is significant at the 0.01 level (2-tailed).

The data were analysed using Pearson product-moment correlation coefficient. All correlations were highly significant at the 0.01 level and strength of relationships were as shown in Figure 10:

Figure 10: Correlations Between the Independent Variables and 'Disjuncture'

	Pearson Correlation	Strength of Correlation
Disjuncture and How we work with offenders	.559	Large
Disjuncture and ethical climate of the agency	.699	Large
Disjuncture and approach to risk	.620	Large
Disjuncture and Ontological Guilt	.661	Large

Pallant (2010) suggests that r values of .5 and above are 'large.' The ethical climate of the agency was most strongly correlated with workers' experience of disjuncture, followed by ontological guilt, agency approach to risk and, finally, how the agency works with offenders. However, all variables were strongly correlated with disjuncture and, therefore, the questionnaire has convergent validity as outlined in Section 3.4.3.

All variables also showed highly significant correlations with each other, the strongest relationship ($r=.840$) existing between the ethical climate of the agency and the agency approach to risk. The weakest relationship ($r=.578$ (still considered large)) was between

how the agency works with offenders and ontological guilt. These results will be discussed later.

4.4 Reliability

As shown in Section 3.4.3, Figure 5, all the sub scales of the questionnaire demonstrated reliable internal consistency. The scale for the variable ‘ontological anxiety/guilt’ had the lowest internal consistency with a Cronbach’s coefficient alpha of .703. However, this is, according to Pallant (2010), acceptable.

4.5 Research Question 1.

Does each of the independent variables contribute uniquely and significantly to workers’ reports of disjuncture?

The statistical test conducted on the results was a standard multiple regression which can determine “how well a set of variables is able to predict a particular outcome” (Pallant, 2010, p148). In this case, the “outcome” is experience of disjuncture. The test can also identify which variable is the best predictor of the outcome. Before running the test, sample size must be checked to confirm conformity to the formula $N > 50 + 8m$ where m = number of independent variables (Pallant, 2010). In this case, $m=4$, so 82 subjects are required. As $N=100$, the sample is big enough. Next, the assumptions must be checked as follows. All independent variables correlate with disjuncture (already established)

although, Pallant (2010) advises not including independent variables with a correlation with another independent variable of “.9 and above” (Pallant, 2010, p 151). Ethical climate and approach to risk produce $r=.840$, which is the strongest correlation, and therefore the data shows no concerns. To look into the potential problem of multicollinearity further, the ‘collinearity diagnostics’ table was checked. Pallant warns against Tolerance values of less than .10 and none of the values reached that low level, suggesting no concerns. Pallant also suggests that VIF levels of more than 10 should be considered as concerning, and, again, none of the results reached that level. Multicollinearity appears, therefore, not to be a concern.

Checking for normality, linearity, homoscedasticity and independence of residuals begins with an inspection of the graphs produced (see Figure 6), which showed no concerns. To check further for outliers, the critical Mahalanobis distance for 4 independent variables is identified as 18.47 (Pallant, 2010, p159). The maximum Mahal. Distance in the current data set is 14.06, which means there are no concerning outliers. Cook’s distance is .179, well below the problematic value of 1.0 (Pallant, 2010, p160). On the basis of the above, a standard multiple regression was subsequently conducted (See Figure 11).

Figure 11: Model Summary of 'Disjuncture'

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.732(a)	.536	.517	3.535

a Predictors: (Constant), Anxiety and autonomy totals, How we work with offenders totals, Ethical climate totals, Risk totals

b Dependent Variable: Disjuncture totals

From the above, the identified variables explain 53.6% of the variance in disjuncture. The significance level for this result is $p < .001$. The model is, therefore, predicting disjuncture to a highly significant degree.

The next step was to find out which of the variables are contributing to the outcome (disjuncture) and to what extent:

Figure 12: Variables Contributing Significantly to ‘Disjuncture’

Independent Variable	Beta Value
Ethical climate of the agency	.528 (sig=.000, $p < .001$)
Ontological guilt	.277 (sig=.004, $p < .01$)
Work with Offenders	.050 (sig=.662, $p > .05$)
Approach to risk	.040 (sig=.780, $p > .05$)

Therefore, the ‘ethical climate of the agency’ and ‘ontological guilt’ are making unique and significant contributions to workers’ experience of disjuncture. However, ‘how the agency works with offenders’ and the ‘agency approach to risk’ are not. This is surprising, and not in line with the initial hypothesis, which suggested that all four variables would contribute to workers’ experience of disjuncture.

To explore, then, the *actual* connections between the 5 variables (including disjuncture), standard multiple regressions were conducted with each of the remaining variables as the ‘outcome’ variable. Results are shown in Figure 13;

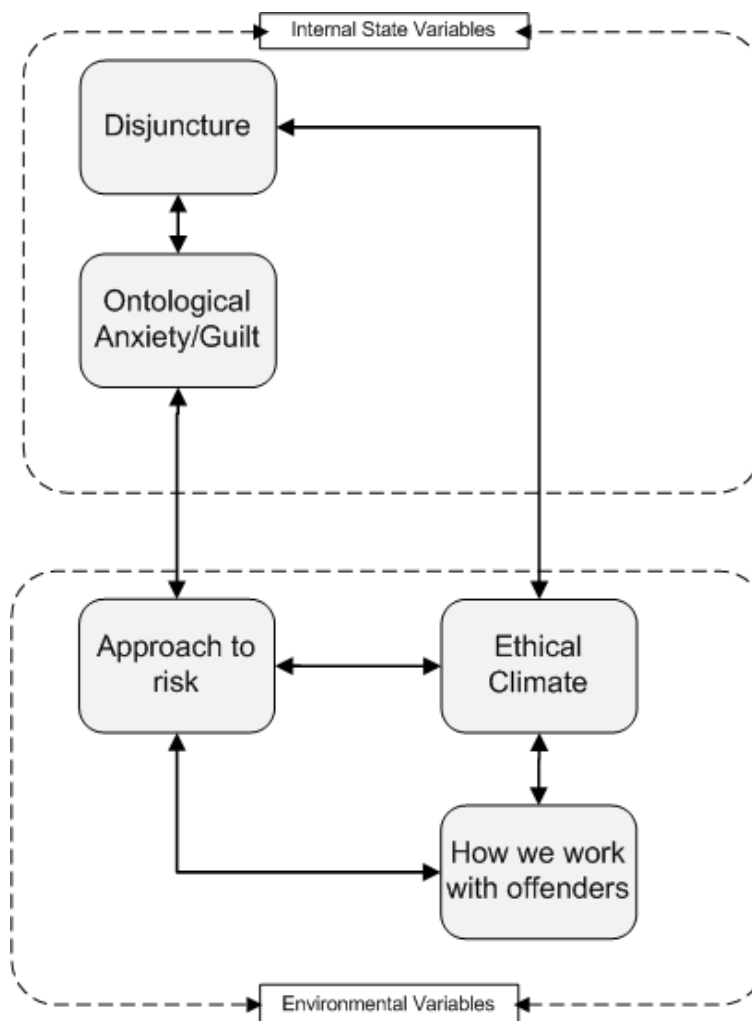
Figure 13: Significant Contributory Relationships Between Variables

Outcome variable	Variables Making Significant and Unique contributions to the outcome variable	Beta values and significance
Disjuncture	Ethical Climate	.528 (sig=.000, p<.001)
	Ontological Guilt	.277 (sig=.004, p<.01)
Ethical Climate	Approach to risk	.486 (sig=.000, p<.001)
	Disjuncture	.247 (sig=.000, p<.001)
	Work with Offenders	.251 (sig=.001, p<.01)
Ontological Guilt	Approach to risk	.476 (sig=.001, p<.01)
	Disjuncture	.309 (sig=.004, p<.01)
Work with Offenders	Ethical Climate	.433 (sig=.001, p<.01)
	Approach to risk	.397 (sig=.002, p<.01)
Approach to risk	Ethical climate	.531 (sig=.000, p<.001)
	Work with Offenders	.252 (sig=.002, p<.01)
	Ontological guilt	.218 (sig=.001, p<.01)

The above table details which of the variables contribute uniquely and significantly to each variable when it is considered as the outcome variable. As can be seen from the table, the variables are interconnected in quite a complex way. The relationships can be expressed

diagrammatically as follows (Diagram 1), with each arrow depicting the unique and significant contributory relationship from the table above.

Diagram 1: Significant Contributory Relationships Between Variables

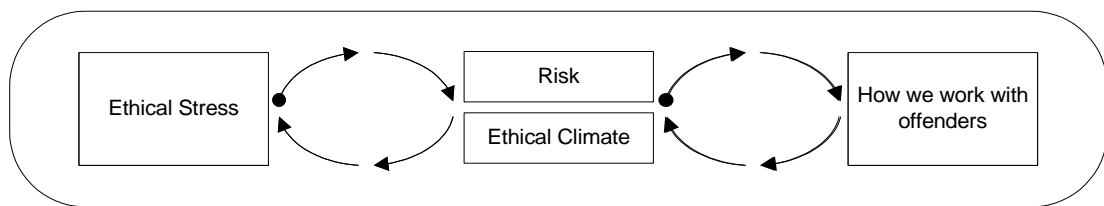


As can be seen from the diagram above, ‘disjuncture’ and ‘ontological guilt’ (both ‘internal state’ variables) appear to be separated from ‘how the agency works with offenders’, ‘agency approach to risk’ and ‘ethical climate’ (‘environmental’ variables). It was

suggested in the literature review that ontological guilt is a very similar concept to disjuncture in that both are concerned with the effects of not acting on the basis of values or conscience (Taylor, 2007). As the scores for this variable increased, a departure from healthy ontological anxiety to the more corrosive state of ontological guilt was demonstrated. It would seem logical therefore, to combine the internal state variables from the diagram into one new variable, called 'ethical stress' which encompasses disjuncture and ontological guilt (see Section 2.3 for an exploration of the relationship between the two variables). The internal consistency of the new scale was checked (see Section 3.4.4), and the scale was slightly modified to give an internal consistency measure (Cronbach's coefficient alpha) of .817. The scale therefore has good internal consistency. To further check that the new 'ethical stress' scale was viable, the questions were subjected to principal components analysis (PCA). The suitability of the data was first checked: inspection of the correlation matrix revealed the presence of many coefficients of .3 and above; the Kaiser-Meyer-Olkin value was .854 (well above the recommended level of .6) and Bartlett's Test of Sphericity was statistically significant. PCA revealed the presence of 6 components with eigenvalues of over 1, explaining 34.0%, 11.0%, 6.6%, 5.3%, 4.9% and 4.7% of the variance respectively. An inspection of the screeplot revealed a break after one component, and 19 out of the 23 questions loaded onto the first component. The PCA and the good internal consistency of the new scale would, therefore, seem to support the decision to combine both variables into one, new variable. The new variable was then checked for normality and although the Kolmogorov-Smirnov value indicated a violation of normality, inspection of the graphs indicated a reasonably normal spread. Skewness, was .018, a very slight clustering of scores towards the lower end of the scale. No significant difference was found in the 'ethical stress' scores for males ($M=71.59$, $SD=8.1$) and females ($M=68.71$, $SD=10.3$; $t(98)=-1.5$, $p=.13$, two-tailed). Returning to

Diagram 1, then, it can be seen that ‘disjuncture’ and ‘ontological anxiety/guilt’ would become one new variable, ‘ethical stress’ comprising the left hand side of a new diagram. ‘Risk’ and ‘ethical climate’ would become the two central variables, and ‘how we work with offenders’ would form the right hand side of the diagram, which would now look like:

Diagram 2: Significant Contributory Relationships Between Variables in New Model



‘How we work with offenders’, and ‘ethical stress’ (new variable) are having independent, reciprocal and significant influences on ethical climate of the agency and approach to risk.

To test the new model, a standard multiple regression was undertaken with the new variable as the outcome. In this case, it would be expected that ‘how we work with offenders’ would not make a significant and unique contribution to ‘ethical stress’ but that ‘ethical climate’ and ‘approach to risk’ would. Prior to running the test, once again certain assumptions of the data had to be checked due to the reconfiguration of the sub scale data as explained above. The first check was an examination of the correlations between the ‘new model’ variables, as shown in Figure 14:

Figure 14: Correlations Between 'New Model' Variables

		Ethical Stress	Work with Offenders	Ethical Climate	Approach to Risk
Pearson Correlation	Ethical Stress	1.000	.587	.739	.717
	Work with Offenders	.587	1.000	.763	.752
	Ethical Climate	.739	.763	1.000	.840
	Approach to Risk	.717	.752	.840	1.000
Sig. (1-tailed)	Ethical Stress	.	.000	.000	.000
	Work with Offenders	.000	.	.000	.000
	Ethical Climate	.000	.000	.	.000
	Approach to Risk	.000	.000	.000	.
N	Ethical Stress	100	100	100	100
	Work with Offenders	100	100	100	100
	Ethical Climate	100	100	100	100
	Approach to Risk	100	100	100	100

As previously, none of the correlations above are over .9 which, according to Pallant (2010) means there are no concerns. Checking further for multicollinearity, tolerance values and VIF levels were checked, and also showed no concerns. Multicollinearity in this case is therefore not problematic.

Next, I inspected the graphs produced, which showed no concerns in terms of normality, linearity and homoscedasticity. To check further for outliers, the critical Mahalanobis distance for 3 independent variables, identified as 16.27 by Pallant (2010), was compared to the maximum Mahal. Distance in the current data set which was 14.06. Clearly, this is less than 16.27 which means there are no concerning outliers. Cook's distance is .168, well below the problematic value of 1.0 (Pallant, 2010, p160). On the basis of the above, a further standard multiple regression was conducted (See Figure 15).

Figure 15: New Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.761(a)	.579	.561	6.533

a Predictors: (Constant), Work with Offenders, Approach to Risk, Ethical Climate

b Dependent Variable: Ethical Stress

57.9% of ethical stress is being accounted for by the new model. To ascertain which variables are making contributions, the beta values must be checked:

Figure 16: Variables Contributing to Ethical Stress

Variable contributing to Ethical Stress	Beta values	Significance
Work with Offenders	-.036	.738 ($p > .05$)
Ethical Climate	.481	.000 ($p < .01$)
Agency Approach to risk	.341	.009 ($p < .01$)

As expected, the ethical climate and agency approach to risk make unique and significant contributions to workers' experience of ethical stress. The way the agency works with offenders does not. A standard multiple regression is also required to check the other end of the proposed model, to verify that only the 'environmental' variables are impacting on 'how we work with offenders':

Figure 17: Model Summary of How we Work with Offenders

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.791(a)	.625	.613	8.298

a Predictors: (Constant), Ethical Stress, Approach to Risk, Ethical Climate

b Dependent Variable: Work with Offenders

The model explains 62.5% of ‘How we work with Offenders.’ Beta values are shown in Figure 18:

Figure 18: Variables Contributing to How we Work with Offenders

Variable contributing to ‘How we work with offenders’	Beta values	Significance
Ethical Climate	.462	.000 (p<.001)
Agency Approach to Risk	.387	.002 (p<.01)
Ethical Stress	-.032	.738 (p>.05)

Therefore, as suggested by the model, only the environmental variables impact uniquely and significantly on how the agency works with offenders. In summary, then, the model depicted in Diagram 2 has been borne out by the statistical analyses of the variable connections.

To check the reciprocity of the relationships as depicted in Diagram 2, further standard multiple regressions were conducted with ‘ethical climate’ and ‘approach to risk’ as the outcome variables. As expected, all remaining variables contributed uniquely and

significantly to each of the outcome variables: 77.6% of the total variance of 'ethical climate' was explained by the new model, with unique contributions from 'how we work with offenders' ($\beta=.251$, $p<.001$), 'approach to risk' ($\beta=.486$, $p<.001$) and 'ethical stress' ($\beta=.255$, $p<.001$). 75.3% of the total variance of 'approach to risk' was explained by the new model, with unique contributions from 'how we work with offenders' ($\beta=.252$, $p<.005$), 'ethical climate' ($\beta=.531$, $p<.001$) and 'ethical stress' ($\beta=.200$, $p<.01$).

In conclusion, it seems that the answer to research question 1 is that the elements are indeed connected, but not as initially suggested. The ethical stress experienced by social workers in the study is influenced significantly by the ethical climate of the agency and by the agency approach to risk. How the agency works with offenders affects those environmental factors, but does not impact directly on ethical stress experienced.

4.6 Research question 2.

Do different local authorities produce different scores on the model variables? It was suggested earlier that different local authorities would produce different scores.

In order to investigate the above question, it was decided to conduct a one-way between groups multivariate analysis of variance (MANOVA). This test was chosen to "compare groups on a range of different characteristics" (Pallant, 2010, p283). In this case, the groups were the different local authorities. According to the model and underpinning

literature, different local authority cultures might produce different experiences of ethical stress for workers, and differences in the other variables also. Therefore local authority grouping is the independent variable, and ‘how we work with offenders,’ ‘ethical stress,’ ‘ethical climate’ and ‘approach to risk’ are the four dependent variables.

Prior to the test being carried out, confirmation that the data conformed to the assumptions required to run the test, was required. Sample size requires that at an “absolute minimum” (Pallant, 2010, p285) there must be more cases in each cell than there are dependant variables. In this case, there are 4 dependent variables. LA4 returned 5 responses so was included in the test. MANOVA is “reasonably robust to modest violations of normality” (Pallant, 2010, p285), but it is suggested that Mahalanobis Distances are used to check for multivariate normality. The value for maximum Mahalanobis Distance in the above case is 13.75. Pallant (2010, p288) gives the critical value for Mahalanobis Distance for 4 dependent variables as 18.47 which is more than 13.75, indicating that there are no concerning multivariate outliers. The next assumption is linearity, established by examination of a scatterplot matrix which did not show any evidence of non-linearity. Finally MANOVA works best if dependent variables are correlated (Pallant, 2010) as already established, but not overly correlated. Correlations between variables of “around .8 or .9 are reason for concern” (ibid, p290). Examination of Figure 10 identifies the correlation between ‘ethical climate’ and ‘approach to risk’ as .840. As only one pair of variables show a correlation high enough for concern, and the correlation is nearer to .8 than .9, it seemed reasonable to proceed.

Further preliminary assumption testing was conducted to check for normality, linearity, outliers, homogeneity of variance-covariance matrices (Box’s test, significance > .001) and

equality of variance (Levene's Test, no variables where $\text{sig} < .05$) and no serious violations noted. The MANOVA was conducted and a statistically significant difference was found between LA groupings on the combined dependent variables, $F(12, 246) = 3.15$, $p = .000$; Wilks Lambda = .686; partial eta squared = .118. When the results for the dependent variables were considered separately, the variables reaching statistical significance (using a Bonferroni adjusted alpha level of .012), were ethical stress, $F(3, 96) = 3.68$, $p = .011$, partial eta squared = .103; and ethical climate, $F(3, 96) = 4.33$, $p = .007$, partial eta squared = .119.

On the combined variables, the effect size (partial eta squared = .118) would be considered large (Cohen, 1988, p22). The effect sizes of 'ethical stress' and 'ethical climate' are also large. In conclusion then, how 'value-friendly' the agency is, and how ethically stressed a social worker might feel, depends to a significant degree on where the social worker works. The approach to work with offenders and the approach to risk, however, seem to be similar regardless of LA setting.

4.7 Qualitative Data

The next part of the data analysis concerned the comments that respondents were invited to give after each variable question series. Individual comments will be referred to in the discussion, but an analysis of the comments by variable question series, allowed identification of the main themes.

Carey (2009) discusses a basic thematic analysis of data from interviews or free text answers. This is an inductive piece of investigation, whereby the answers are analysed and themes identified as they emerge, as described in Section 3.4.4. Smith (2009) considers the analysis in three stages: interrogation of the data, grouping emerging themes and providing an explanation for what has emerged. Smith also suggests that comments and free text can provide evidence for underlying influences upon the findings. In the current study, identifying the underlying influences and processes was an explicit objective of the study, in keeping with the ‘interpretivist’ approach to this part of the study design (May, 1993). Approximately 80 comments were received overall (excluding comments which did not make comments about the subjects under investigation, for instance, comments about working part time, giving details of the team the social worker worked in or comments about the questionnaire itself). Some comments were reasonable lengthy and referred to several themes, in which case they would be counted within several of the themed categories. The comments were examined (Smith’s stage 1) and grouped into themes (see Section 3.4.4.) Seven themes emerged as demonstrated in Figure 19 (stage 2):

Figure 19: Themes from the qualitative data in descending order of prevalence:

Theme	Prevalence of Theme	Example Quotes
1.Workload demands and time restrictions are the main problems with undertaking welfare work	Approximately 50% of the comments within the section concerned with ‘ethical climate’ concerned workload. 25% of the comments overall commented on workload issues.	‘Management are very unrealistic about the quantity of work people can manage.’ ‘My workload is such that it impacts on the time I have to engage..’ ‘We need more workers.’
2.Risk and public protection	Approximately 50% of the	‘There is a major emphasis

work take priority	comments within the section on 'how we work with offenders' make reference to risk and public protection work taking priority. 20% of comments overall referred to this theme.	on risk assessment.' 'Risk is king.' 'Public protection is seen as our utmost aim.'
3.Statements of unhappiness with any aspect of the 'New Penology.' Comments about workload excluded.	18.7% of comments referred to this theme.	'The focus is on meeting targets and PIs, which are often irrelevant to practising effectively' 'I am in a very bureaucratic environment where engagement is viewed very much disdainfully.' 'I don't think that within the team I work, there is a sense that humanising what we do is relevant.'
4.Agencies can do both – public protection work <i>and</i> welfare work	12.5% of comments overall made reference to the belief that agencies could balance both types of work.	'I think an agency can balance the two (welfare and risk work).' 'I think my agency is inevitably procedurally driven in some ways, but not to the detriment of our values and culture.'
5.The role of the senior social worker (SSW) is important	10% of comments overall made reference to the importance of the role of senior social worker or 'team manager' in relation to support/values/supervision AND in relation to sharing risk and other decisions.	'Supervision can be totally one-sided at times and focus on clients' risk/reviews/procedures rather than welfare.' 'My senior is excellent and we can discuss our values, ethics' (Comments relating to supervision and values) [Additional information: Strong correlation between the question 'supervision is mainly about following procedures and meeting key performance

		<p>indicators' and 'ethical stress,' $r=.595$, $n=100$, $p<.01$]</p> <p>'My senior allows and encourages me to make informed decisions'</p> <p>'If I ever feel I cannot/should not follow procedures, I would discuss with my team manager and seek agreement that an exception should be made.' (Comments relating to sharing decisions/autonomy). [Additional information: only 30% of respondents agreed with the question 'I wish I had more autonomy.' Only 16% of respondents agreed with the question 'If I ever choose not to follow procedures, I don't tell my supervisor or manager.']</p>
6.The work done depends on the individual social worker	8.7% of comments overall made reference to the inclination of the individual social worker as having an impact on the work done.	<p>'There is room for autonomy in individual sessions and their length.'</p> <p>'In my opinion there is a disparity among staff about boundaries and roles.'</p>
7.Standardised risk assessment and procedures are positive	7.5% of comments overall demonstrated a positive belief in risk assessments and procedures.	<p>'I think it's a positive change in practice that work is based on structured risk assessment tools.'</p> <p>'Procedures are sound but also regularly reviewed and I have confidence in the reviewing process.'</p>

Stage 3, the explanation for the findings, is undertaken within Section 5. Other, single or smaller groupings of comments will also be referred to in Section 5. As Smith (2009)

states, the purpose of a thematic analysis is to find the “best fit....rather than absolute certainty” (Smith, 2009, p169).

4.8 Additional findings

An additional finding that emerged from the analysis of both the quantitative and qualitative data, was that years of experience in CJSW seemed to be having an impact on the way workers viewed their agencies approach to practice.

To investigate this further, correlations between years of experience and the four variables were undertaken. As scores on the variables increase, the view of the variable moves closer to a ‘new penological’ model (See Figure 1, Section 3.3). So, higher scores indicate a view that the work is more procedural, less desistance focused and more risk averse, and that there is a less value-friendly ethical climate and increased levels of ethical stress. In other words, if older, more experienced workers view those aspects of the work as increasingly ‘new-penological’ in nature, they will score them more highly.

Figure 20: Correlations Between Years of experience and the Four Variables

	Pearson Correlation	Strength of Correlation
Years of Experience and How we work with offenders	.461	Med/Large
Years of Experience and ethical climate	.465	Med/Large
Years of experience and	.541	Large

approach to risk		
Years of Experience and ethical stress	.423	Med/Large

Clearly, as years of experience increase, so do scores on all variables. This means that how 'new penological' a worker experiences the workplace and work done to be, is significantly affected by how experienced they are. A medium/large correlation was found between 'I wish I had more autonomy' and years of experience, $r=.428$, $n=100$, $p<.01$. However, it should be noted that age may well also be having an impact, as more experienced workers tend to be older. Therefore, partial correlation was used to explore the relationship between years of experience and the four variables whilst controlling for age. Results are shown in Figure 21:

Figure 21: Partial Correlations Between Years of Experience and the Four Variables

	Pearson Correlation	Strength of Correlation
Years of Experience and How we work with offenders	.276	Small/Med
Years of Experience and ethical climate	.295	Small/Med
Years of experience and approach to risk	.357	Medium
Years of Experience and ethical stress	.296	Small/Med

Therefore, even when controlling for age, years of experience of CJSW is having a significant effect on how workers view all of the above variables, *especially* on how the agency approach to risk is viewed.

Finally, a one-way between groups multivariate analysis of variance was performed to investigate the difference between two groups of workers, those who had began work in CJSW pre 1997, and those who began work in CJSW post 1997, on the four variables 'ethical stress', 'approach to risk', 'how we work with offenders' and 'ethical climate'. A cut-off point of 1997 was chosen because it is concomitant with many of the new public protection ideas actually playing out in CJSW e.g. the changes brought about by the Scott Simpson case in Aberdeen (McManus, 1997). The respondents were divided into 2 groups, those with less than or equal to 15 years experience and those with more than 15 years experience. Preliminary assumption testing was conducted to check for normality, linearity, univariate and multivariate outliers, homogeneity of variance-covariance matrices and multicollinearity, with no serious violations noted. Results were as follows:

There was a statistically significant difference between the groups on the combined dependent variables, $F(4,95) = 6.14$, $p=.000$; Wilks' Lambda = .795, partial eta squared = .205. When the results for the dependent variables were considered separately, using a Bonferroni adjusted alpha level of .012, all dependent variables reached statistical significance: Work with offenders: $F(1, 98) = 15.33$, $p=.000$. partial eta squared = .135; Ethical Climate: $F(1,98) = 17.93$, $p=.000$, partial eta squared = .155; Approach to Risk: $F(1,98) = 23.96$, $p=.000$, partial eta squared = .196; Ethical Stress: $F(1,98) = 8.16$, $p=.005$, partial eta squared = .077.

19.6% of variance in perceived risk aversion of agencies can be explained by years of experience. According to Pallant (2010) this constitutes a 'large' effect. Experience is also having a 'large' effect on 'how we work with offenders' and 'ethical climate.' Years of experience is only having a medium effect on 'ethical stress,' however.

It should be noted once again that the groups differ significantly in age as well as years of experience. An independent-samples t-test gave the following results for age: ≤ 15 years experience, $M = 41.54$, $SD = 10.4$ and > 15 years experience, $M = 55.24$, $SD = 4.35$; $t(79.8) = 9.09$, $p = .000$. To investigate this further, an ANCOVA was conducted to explore the difference in perceptions of risk (the most significantly affected variable from the results above) between the two groups, whilst controlling for age. After ensuring that no assumptions were violated, results showed that years of experience *did* have a significant effect on perceptions of risk aversion, even when age was controlled for i.e. $F(1,97) = 7.77$, $p = .007$, partial eta squared = .074 (i.e. a medium effect size). Age had a greater significant effect, however, as shown by $F(1,97)$, $p = .002$, partial eta squared = .095 (medium effect size). Therefore both years of experience and age are having effects of workers' perceptions of risk aversion within their agencies. The effect of years of experience and age will be analysed and discussed in Section 5.

4.9 Conclusion

In conclusion, findings have emerged which both validate and repudiate the suggestions drawn from the literature covered in the literature review section of this thesis. The model

demonstrated in Diagram 2, Section 4.5, is not the one which was initially hypothesised on the basis of the literature. The variables were interconnected, but not in the way that was originally envisaged. Variations between LAs were not apparent on all variables, and, again, this was contrary to the original hypothesis. The model in Diagram 2 will now be analysed, and built upon by inclusion of explanatory information from the qualitative data and from relevant literature. Finally, the additional findings which have emerged as a result of exploration and analysis of the data, will be incorporated into the discussion. Ultimately, an enhanced model of influences on ethical stress will be suggested.

5 Discussion

5.1 Introduction

This section has been designed to look individually at each of the research questions. Research question 1 (Section 5.2), which is concerned with the relationships between variables, will be addressed by investigating each of the significant and contributory relationships in turn. The absence of a directly contributory relationship between ‘how we work with offenders’ and ‘ethical stress’ will also be analysed as a finding in its own right. The conclusion to research question 1 will bring all of the findings together. Research question 2 (Section 5.3) is concerned with the variation in variable scores across the four LAs. The variables which show significant variation (‘ethical climate’ and ‘ethical stress’) will be discussed first, followed by an investigation into the variables which remain the same regardless of workplace setting (‘agency approach to work’ and ‘how we work with offenders’). Once again, the findings will be brought together in a concluding section. In Section 5.4, the additional, unexpected findings will be discussed. The importance of the role of the senior social worker is discussed as a theme in the exploration of both research questions, but the effect of years of experience is considered separately in Section 5.4.

As the discussion progresses, additional concepts and suggestions are incorporated into the original model drawn from the results (see Diagram 3, Section 5.2.1). The additional conceptual material is provided by explanatory information from the qualitative data, and from relevant literature. A level of cogency is hopefully given to the model due to the

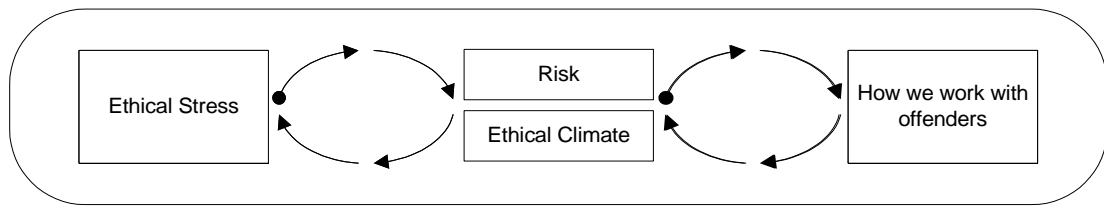
triangulation of the information utilised to construct it. The triangulated data come from quantitative findings, qualitative comments and other research studies and findings from the literature examined. The model is, therefore, further assembled in stages to produce a final suggested model of ‘ethical stress and its influences in CJSW in Scotland’ (see Diagram 8, Section 5.3.3).

Finally, the discussion is concluded in Section 5.5 by bringing all of the main themes together to discuss the model as a whole. Implications of the findings are outlined within the concluding discussion.

5.2 Research Question 1. Do each of the independent variables contribute uniquely and significantly to workers’ reports of disjuncture?

5.2.1 Introduction

The short answer to the above question is ‘no’. The independent variables ‘how we work with offenders,’ ‘risk,’ ‘ethical climate’ and ‘ethical stress’ (which includes disjuncture) are indeed linked but not in the way originally hypothesised. After analysis and distillation of the results, the model depicting the interlinking of the variables is depicted in Diagram 3:

Diagram 3: Significant Contributory Relationships Between Variables

The connections and relationships between the variables will now be discussed.

5.2.2 Contributory relationship between risk and ethical stress

Phillips (2009) suggests that social workers feel the fear and anxiety of something going wrong in their cases and being ‘blamed,’ more strongly than anything else. He suggests that this leads to an over-emphasis on defensible decision making and a tendency for agencies to become risk-averse. Taylor (2007) suggests that when workers can act in line with their conscience or values, they experience less ontological guilt (or ethical stress, in the current study), but more ontological anxiety. This is the healthy anxiety which is a natural consequence of using discretion to make the best possible decision for the service user, rather than the most easily defended one (which would be following procedures to the letter, regardless of value dilemmas). The question was raised in Section 2.3 as to whether this anxiety might be tolerable for agencies and indeed workers. In an environment where workers are easily blamed when things go wrong, how difficult is it to take risks and embrace anxiety as Taylor suggests? Webb (2006) states that social work in general has become afraid of risk decisions, and Barry (2007) states social workers do tend to find

reassurances in procedural risk assessments and procedures, that they cannot find in the expression of professional autonomy.

In the current study, the experience of ethical stress scores produced a reasonably normal spread. Upon examination of the perception of risk aversion scores, the more risk averse an agency was judged to be, the more ethical stress was experienced by the workers (see Diagram 3 and Figure 16 for the results of the standard multiple regression with ‘ethical stress’ as the outcome variable). This suggests that far from embracing a risk averse approach in order to remain ‘safe,’ workers appeared to feel less ethically stressed when the agency took a more flexible approach to risk assessment and management. In fact there was only one comment made about the desire to stay safe:

“I feel that social workers can be easily blamed if something goes wrong, so it is important to defend our practice.”

More comments were made about the recognition that risk is important, that making good, evidence based, defensible decisions is also very important, *but* that there needs to be a place for clinical judgement, and flexibility within procedures and practices:

“They (risk assessments) are not a means to an end and should not be used without the benefit of professional judgement”

AND

“We not only rely on actuarial and standardised risk assessments, we also use clinical tools which are supported by our professional judgement.”

This reflects findings from McNeill et al. (2009) who found that, in a study of criminal justice social workers and the social enquiry reports they write, risk was “not an *explicit* central concern of most of the reports” (ibid. p428). Rather, social workers tended to combine technical as well as moral judgements about the offender’s character and ‘redeemability.’ It seems that this combination of technical risk assessment and management tasks, and more holistic judgements, requiring flexible and discretionary responses, continues beyond social enquiry report compilation into the supervision of court orders. From the comments, respondents also felt that, in the main, they were given the flexibility to use their judgement. This was, very importantly however, qualified by a theme from the comments that management support for discretionary decision making was of crucial importance:

“My senior allows and encourages me to make informed decisions,”

“there are times I haven’t followed procedures, but always discussed with management”

And

“if I ever feel I cannot/should not follow procedures, I would discuss with my team manager and seek agreement that an exception should be made.”

Furthermore, only 16% of respondents agreed with the question “If I ever choose not to follow procedures, I don’t tell my supervisor or manager.” It does seem therefore, that flexibility is embraced, but management back-up is required, which may call into question the level of autonomy experienced by workers. Munro (2011) states “Decision-making on cases is frequently the responsibility of that manager, despite the manager not knowing the

child or family very well, if at all. This leaves the social worker in an awkward predicament, holding case responsibility but with little autonomy for decision making” (Munro, 2011, p115). The results from the current study, however, suggest that rather than feeling “awkward” about this, respondents actually enjoy the sharing of responsibility with their first line manager. Gregory (2010) suggests that, since the change in direction towards greater managerialism and increased prescriptive practice, probation officers in her study experienced dawning realisation “that their autonomy was perhaps illusory. Participant ‘Michael’ commented ‘what annoys me is that in so many cases where I used to be able to take decisions myself, I now have to take them to a senior’” (Gregory, 2010, p2279). The workers in Gregory’s study all had twelve or more years of experience, whereas the workers in the current study had an average of nine years of experience. Might it be that less experienced workers do not find the system of joint decision making disempowering, but actually like the security it provides (providing the senior is flexible and responsive), but that more experienced workers find this element of the culture stifling? If this is the case, we would expect that the perception of risk aversion within an agency would increase with years of experience. The relationship between the two variables was investigated using Pearson product-moment correlation co-efficient and results were given in Section 4.8. There was a strong positive correlation between years of experience and perception of a risk averse culture, suggesting that social workers who are more experienced, perceive their agencies to be more risk averse than less experienced workers. Less experienced workers appear to depend more on their senior social workers and joint risk decision making, not perceiving this practice as risk averse in the way their more experienced colleagues appear to. Perception of risk aversion was the variable with the strongest correlation with years of experience. Gregory’s (2010) point that workers’ perceptions of autonomy was, perhaps, illusory due to the requirement to share decisions

with a senior, raises the question of perceptions of autonomy in the current study. Might it be that more experienced workers also have a perception that the autonomy they have is ‘illusory’? Might they be less than happy with joint decision making in terms of autonomy as well as perceiving the practice as risk averse? In answer to the question “I wish I had more autonomy” answers in the current study are skewed quite markedly to the ‘disagree’ columns (only 30% agreed or strongly agreed), demonstrating that workers overall are saying they do not want more ‘real’ autonomy. However, another correlation was conducted looking at the relationship between years of experience and the question “I wish I had more autonomy” and, again, a significant, medium/large strength correlation was found (see Section 4.8). Once again, then, the desire for more authentic autonomy increases with years of experience.

As McNeill et al. (2009) note, the investment in discourses surrounding risk procedures inevitably made by workers adapting to a public protection ethos, “sits uneasily with their existing habituses, *in many cases framed in earlier eras*” (McNeill et al., 2009, p434, emphasis added). The suggestion that habituses ‘framed in earlier eras’ may cause tension with relatively recently recalibrated expected work practices, appears to be borne out by the current study, especially if the earlier era was indeed located within a different political and criminological context e.g. penal-welfarism. One very experienced respondent, for example, stated:

“Starting in criminal justice in the early 80s....team leaders knew their stuff, their staff, their strengths, their weaknesses and their developmental needs. Our team leaders now are more distant, concerned that procedures are adhered to and that key performance targets/indicators are met. Dealing with our client base becomes more narrow focused, impersonal and at times superficial....We are hamstrung by the plethora of forms we are required to complete. We spend 80% of our time inputting data into the various IT interfaces we have to utilise to maintain records, to

undertake formal risk assessments and to record key performance indicators in order that our funding can be justified/secured. Work becomes more risk led – with ‘resources following risk’ at the expense of valuable preventative work for those offenders at the lower end of the scale. Risk is king and needs to take a back seat.”

Clearly, then, some workers feel the frustrations of the ‘new’ requirements harder to adapt to than others.

Leaving aside the issue of differences between more and less experienced workers, and returning to the literature review and the interface between risk and ethical stress (Section 2.3), it was suggested that where resistance to rigid risk assessment frameworks is required, the risk is either entirely borne by the worker or the burden is shared with the agency where the agency allows autonomy and discretion. It seems from the current study that there is a middle ground which was not apparent from the review of the literature. The agency can, in a qualified way, allow autonomy and discretion if the senior social worker is in agreement with the proposed course of action. Returning to the example in the literature review of the worker who took the risk and ignored a policy which instructed workers not to engage with any intoxicated service user (Sawyer, 2009) (thereby suffering ontological anxiety, but not the more corrosive state of ontological guilt or disjuncture which would have resulted from consciously ignoring one’s own value beliefs about the ‘rightness’ of helping a service user in a vulnerable state), the situation would have played out somewhat differently in the current study. According to the respondents, workers would have sought agreement to ignore the policy from their senior social worker (perhaps a ‘rule of thumb’ would have been established in the team via discussion of examples of this type of dilemma). The middle ground then comprises workers who can use discretion and are not constrained too rigidly by risk-averse policy, *but* who also do not have to shoulder the risk alone. So far then, the reluctance of workers to embrace more autonomy

has been demonstrated by the quantitative data, and the place and influence of the senior social worker has been highlighted by the qualitative data as an important factor in the mediation of how the agency deals with risk decisions.

Evans (2011), in his critique of ‘street level bureaucracy,’ can help in the further analysis of the important role of the senior social worker in relation to risk. He suggests that, although managers are the “key regulators of discretion” (Evans, 2011, p371) they will encourage discretion where it is in the best interests of the organisation and will interpret the spirit of policy rather than adhere doggedly to its every nuance. Evans also makes the point that first line managers are drawn from the same pool as their professional front line colleagues, and as such, do not attempt to eliminate professionalism and its attendant discretion. O’Sullivan (1999) also notes that if first line managers share social work education and qualifications, they will be more sympathetic to social work values. In essence, as Evans states, the sharing of professional education “highlights the role of shared professional commitments, transcending the distinction between local managers and practitioners” (Evans, 2011, p377). ‘Local managers’ in this context are the equivalent of ‘senior social workers’, and Evans’ study reinforces the findings from the current study, that the role of the senior social worker is crucial to staff in terms of sharing discretionary decisions and *allowing* workers to deviate from the procedure. As Evans suggests, the senior in this case regulates the workers’ use of discretion. This concept is, again, borne out by answers to the questionnaire question “If I ever choose not to follow procedures, I don’t tell my supervisor or manager,” only 16% agreed (with only 2 respondents strongly agreeing). Therefore, respondents are clearly sharing these decisions with their managers (see Figure 19). Dale and Trlin (2010), in their study of probation officers and their first line managers in New Zealand found that “having decisions backed” (Dale and Trlin,

2010, p129) was one of the main requirements probation officers had of their first line managers. They illustrate this point with the following quote:

“Number one ingredient is support, backing. Everybody in the course of their employment makes decisions....having someone behind you who supports and backs your decisions creates a really good working relationship” (ibid. p130).

Possibly as a result of the above, then, and with the exception of more experienced workers, respondents do not want more autonomy, but do want seniors with whom they can share decision making, especially when those decisions deviate from procedure or policy. Kowalski et al. (2010) found that greater ‘latitude in decision making’ led to less experience of emotional exhaustion for professionals working with people with disabilities, which, again, is congruent with the finding from the current study that the more risk averse (less ‘latitude’ in decision making) an agency is, the greater the ethical stress experienced. It is also consistent with a senior social worker participating in flexible, responsive decision making alongside the social worker. Such participation would not decrease the latitude in decision making (depending on the senior), but neither would it leave the social worker alone to shoulder the (possible) resultant ontological anxiety (Taylor, 2007). Respondents stated:

“there is a major emphasis on risk assessments and we constantly hear about defensible decisions. My senior allows and encourages me to make informed decisions that not everyone may agree with”

And

“there are times when I fail to follow procedure....however, this is rare and always discussed with my line manager.”

As can be seen from the above, the joint approach to decision making is only positive if the senior is flexible and willing to take risks and shoulder anxiety. A more risk averse senior's approach would probably result in more ethically stressed workers, given the already established significant relationship between risk aversion and ethical stress. Comments once again bore this out, for example:

“someone from the same agency but with a different manager may have responded differently.”

Morazes et al. (2010) in a study comparing workers in California who stayed in child welfare work, compared to those who left, found that the most important factor for those staying was a supportive and ‘good’ relationship with their line manager. Interestingly, a poor relationship with the first line manager was also crucially important to those choosing to leave also e.g. “I could tolerate my supervisor only up to a point” (Morazes et al., 2010, p 241). Clearly, then, the role of the senior social worker in the literature and in the current study is extremely important and pivotal to decision making. In the current study, it seems to be particularly important to decisions involving an element of risk, where flexibility and responsiveness are required. Bissell (2012) suggests that social work does “not really escape the search to identify an optimum management environment” (Bissell, 2012, p117). He goes on to suggest that crucial management approaches in social work are heavily influenced by the value base e.g. empowerment of workers, valuing their abilities,

maintaining their self esteem etc. although, at the same time, social workers are disempowered by the bureaucracy and technicist requirements as already covered. Given those tensions, it is unsurprising that “an optimum management environment” has not been identified. It is also easy to see that ‘good’ seniors will indeed be identified as the flexible, empowering, value-base sharing type with whom workers can discuss values, ethical tensions and from whom workers can be granted leeway for discretionary responses. According to Bissell, there would be widespread agreement that these were ‘good’ management traits, and this is indeed borne out by the current study.

All social workers in the study experienced more ethical stress the more risk averse they judged the agency to be. Stanford (2009) sums the situation up when she says that “the mentalities of the neo-liberal risk society have undermined social work’s capacity to meaningfully, purposively and creatively respond to these [welfare] dilemmas” (Stanford, 2010, p 1068) and gives mandatory reporting (for example, in CJSW) as an example of a social work response which does nothing to alleviate any hardship or to deal with welfare issues. Stanford goes on to say that how workers actually respond and practise in this climate is an under-researched area. However, a picture is emerging as to how the social workers in the current study respond and practise, that is, by seeking, and obtaining, ‘back up’ from senior social workers to allow them to respond flexibly and with discretion.

In terms of risk, then, the current study has demonstrated that the more risk averse an agency is the more ethical stress a worker will experience. Within this broad picture, more experienced workers perceived higher levels of risk aversion within agencies and reported a desire for more authentic autonomy than less experienced workers. The latter group seemed to be happy to share decision making with flexible, responsive seniors as long as

said seniors demonstrated support to the workers in their decisions to deviate from procedures and to use their discretion.

5.2.3 Contributory relationship between ethical climate and ethical stress

The other significant variable impacting on whether workers will suffer ethical stress is the ethical climate of the agency (See Diagram 3). Ethical climate, for the purposes of the current study, includes supervision, value based discussion, the importance of values in decision making, staff involvement in changes and workload issues (See Section 3.4, Figures 2 and 5. See Section 4.5, Figure 16, for the results of the standard multiple regression showing ‘approach to risk’ and ‘ethical climate’ as the variables impacting significantly on ‘ethical stress.’)

Workload was included within ‘ethical climate’ from suggestions from the panel of experts rather than from literature (for face validity, see Section 3.4.3 and Figure 2). However, issues of workload were commented on in the qualitative data more than any other single aspect of the work, with 25% of all comments making reference to the workload issue. In particular, the comments were concerned with workloads hampering the time required to do the work in the way the workers wanted to and to help with welfare and other issues. For example, one respondent said:

“My managers want me to do in-depth work with clients but it is not always possible to do given the size of case-loads.”

Kowalski et al. (2010) also found that the factor that had the strongest impact on emotional exhaustion was workload. Shier and Graham (2010) studied subjective well being experienced by social work practitioners and found that, among other factors, agency culture and workloads have a direct impact on perceptions of subjective well being. However, they suggest that the quantity of work required of people is not the complete ‘workload’ picture. They suggest that there is an interplay of factors encompassed within the idea of workload, including flexibility (to arrange working times etc. with a degree of autonomy), availability of resources and a sense of the limitations of one’s own capabilities. Comments from the current study reflect that respondents felt the amount of work *was* the central problem, but not because there was not time to do it all (although some people did say that), but mainly because it did not leave enough time to do other ‘real social work’ tasks such as welfare and helping. For example, workers made comments like:

“Pressure is on to risk assess everyone, at the expense of getting to know, and work with, clients”

And

“Conscience pricks me when have to do lengthy admin tasks when time could be better spent working with people.”

As already stated, this was the main point raised by the qualitative data. Many comments were made making the same point, that is that once the public protection/risk work is done, there is not enough time for other social work such as helping with problems. Returning to Shier and Graham (2010), comments from the current study echo their

findings in regards to workers benefitting from a sense of their own limitations. Respondents in the current study seemed to have a sense of their own limitations and realised that they could not ‘do it all’ so did not attempt to undertake the depth of work they wanted to. According to Shier and Graham, this is important for workers’ overall well-being, but, in the current case, the moderating of what could be done contributed to workers’ experience of ethical stress in that they could not fully practice in accordance with their value base (help in the way they wanted to), for example,

“during weeks when there seems to be lots of deadlines, it can be stressful and you feel like you are letting clients down.”

The prolific amount of comments made in regard to this, however, demonstrates that it is of importance to workers, but they have not attempted to take on further work at their own expense or to the detriment of their well-being. Only one comment was made which did illustrate a worker doing this:

“What ‘gives’ isn’t workload or time to work with clients – but my own time, working additional hours, often unpaid.”

Therefore, in the current study, apart from the one worker quoted, respondents seem to be looking after their own well-being, and do have a sense of their own limitations, *but* suffer ethical stress as a result. Echoing this, Morazes et al. (2010) found that child welfare social workers experienced frustration when “administrative functions prevented them from fulfilling ‘true social work’ functions, which were viewed in terms of forming relationships with clients” (Morazes et al., 2010, p 243). It is clear that workers in our

study felt similarly to the workers in Morazes study. Workload issues get in the way of helping, relationship building and other ‘real’ social work functions. When time is short, “king risk,” public protection and accountability tasks take priority, and welfare takes a back seat.

In a study of Scottish criminal justice social workers in 2009, McNeill et al. found that reports written for the court were influenced and constrained by, among other things, the team culture into which the worker had been socialised and the worker’s “degree of engagement in social work intervention (that is *seeking to help offenders*)” (McNeill et al., 2009, P426, emphasis added). The implication here is that workers have a choice as to their ‘degree of engagement’ in helping or welfare work. The workers in the current study seemed to echo this suggestion, with comments such as:

“the service given largely depends on the individual worker”

And

“there is room for autonomy in individual sessions.”

Acceptance of one’s own limitations, then, plus the choice that workers have to be engaged in welfare work has emerged as a theme (Section 4.7, Figure 19, theme number 6). Workers do relational, helping, welfare work when there is time, and *if they want to*. McNeill found that the culture of the agency and the worker’s own inclination were important in shaping the reports written for court and it would seem that, in the current study, these factor are also important for shaping the content and quality of probation work. Also, risk in the current study influences the extent to which a worker can become engaged in welfare work with respondents saying that the emphasis on risk can eclipse the

ability to engage in welfare work. So, it seems that the interplay between workload (as an element of ethical climate or culture), workers' own inclination and, most importantly, risk, is key to the level of ethical stress experienced by workers.

Kowalski et al. (2010) consider the factors 'workload' and 'latitude in decision-making' to be elements of "work organisation" (Kowalski et al., 2010, p476). In the current study, these elements map to 'ethical climate' (workload as a part of this) and 'risk' (latitude in decision making as an expression of risk acceptance, as already analysed). The other element of "work organisation" in Kowalski's study is social capital. Kowalski et al. define social capital as "the existence of collective values and convictions and mutual trust between the members of an organisation" (ibid. p472) which resonates with the concept of 'ethical climate' in the current study. Kowalski et al. found that social capital did not show a significant association with emotional exhaustion, but noted that this finding was at odds with other studies, as it is with the current study in that 'ethical climate' does show a significant relationship with 'ethical stress.' Shier and Graham (2010) found that the "personal fit of the work" (Shier and Graham, 2010, p414), an idea that can sit within 'social capital,' was an important factor in workers' subjective measures of well-being, as was workers seeing the value and meaningfulness in the work they do. This relates to a sense of shared purpose and value base, played out in discussion of values in the agency and in supervision. The current study has produced a model with central boxes which seems to be a very good fit with Kowalski et al.'s "work organisation" (ibid. P476). Within "work organisation" Kowalski places the importance of workload and social capital which, together, equate to the current model's 'ethical climate' element. Shier and Graham's (2010) findings also fit within this element. Ideas around the importance of decision making as defined by Kowalski et al. as a central element of "work organisation", as

already stated, equate to the current model's element 'risk'. The central boxes of the model, therefore, could overall, in Kowalski et al.'s terms, be described as "work organisation."

Slate et al. (2003), in a study of stress levels and contributory factors for probation officers in a southern state in America, found that the key factor related to stress levels was employee "perceptions of participation in decision making" (Slate et al., 2003, p536). When employees felt that they were suitably involved in decision making and felt that they participated in the management of the agency, stress was markedly reduced. This relates both to the risk decision and ethical climate variables in the current study, and seems to be a key message from the literature. The more nuanced question which arises from the current study is whether more experienced workers' definitions of what is suitably 'participative' and allows sufficient autonomy, is different from less experienced workers. There may not be a 'one size fits all' ideal in terms of joint, senior-and-social-worker decision making. Slate et al. also found that as years of experience increased, so did probation officers' reports of physical stress symptoms. The authors refer to literature which suggests that this may be explained by increasing stress as experienced workers see their peers achieve more seniority, and view this as unfair. It may be, however, that what is actually going on is dissatisfaction with the perceived 'participative' culture. The relationship between years of experience and opinion about perceptions of 'participative' culture is not documented in the study. Slate et al. also found that female probation workers reported significantly more physical stress symptoms than their male counterparts (although no significant difference in total stress was reported). In the current study, an independent-samples t-test was conducted to compare the 'ethical stress' scores of males

and females. There was no significant difference in the scores for men and women (see Section 4.4).

Supervision, as an element of ‘ethical climate,’ also seems to be influencing levels of ethical stress, which adds validity to the suggestion made by O’Donnell et al. (2008), that ethically supportive supervision and space and time for discussion of values and different value positions, impact on workers feelings of stress. Beddoe (2010) brings the model’s central box variables ‘ethical climate’ and ‘agency approach to risk’ very neatly together within the concept of supervision when she suggests that there is a “potential for risk-averse culture to diminish the quality of supervision” (Beddoe, 2010, p 1289). Beddoe explains that the literature surrounding supervision gives a strong message that open debate, trust and supportive discussion which encourage critical reflection on things that have gone wrong, allow for learning to take place is an optimum for supervision. She further explains, however, that this is difficult if, within a risk-averse climate “the nagging concerns of risk, fear and accountability crop up in the space between the participants” (ibid. p1292). Goddard and Hunt (2011) illustrate this by quoting a social worker in relation to their unspoken concerns about supervision: “I have learned to be an isolated worker. If you open up, with personal issues and worries, then you are seen as personally incompetent” (Goddard and Hunt, 2011, p426). The authors point out the dangers of supervision being concerned more with defending the agency rather than working in the interests of the workers, and, ultimately, the service users. Once again, the importance of critical thinking and reflection are highlighted. Similarly, Beddoe’s study confirms earlier studies that, to impact positively on social workers’ well being, (and ethical stress reduction?) the supervisor needs to be able to balance managerial requirements with

support, trust and open discussion. As an element of an ethical culture, the current study echoes those findings, for example:

“supervision content is dependent upon the senior. My senior is excellent and we can discuss our values, ethics and receive encouragement to be autonomous. However, this is not a managerial point of view.”

This comment also illustrates respondents’ differentiation of senior social workers from ‘management.’ Finally, Bourn and Hafford-Letchfield (2012) highlight the mediation function of supervision. As well as echoing all of the above findings, the authors note the important role that supervisors play in “promoting or mediating organisational culture within their individual relationships with staff” (Bourn and Hafford-Letchfield, 2012, p51) and suggest that supervision is an important tool for helping workers to “contain and work with the anxiety that naturally arises within social work” (ibid. p41). This ties into the whole idea of agency approach to risk and supervision coming together within a sub-set in the ‘new’ model of ethical stress (See Diagram 3). Risk decisions and approaches are nurtured and encouraged within the supervisory relationship, with a key focus on the management of the resultant ‘ontological anxiety’ (Taylor, 2007). A supervisor who can ‘allow’ risky, responsive decisions in the best interests of service users and based on a real belief in social work values, needs to be good at dealing with the resultant, healthy ontological anxiety. A supervisor who cannot do that may well stick to the procedural, box-ticking form of supervision, of which the literature is quite consistent in its criticism, and about which the respondents in the current study made comments such as:

“Supervision can be totally one-sided at times and focus on clients’ risk assessments/reviews/procedures rather than welfare,”

And

“the focus has definitely changed and there is much priority placed on meeting performance indicators, recording first appointments etc.”

Beddoe (2010) stated that supervisors must help workers to learn to live with uncertainty (ontological anxiety?), rather than strive for greater proceduralism, and so supervisors must, obviously, be able to do this themselves. This is especially important because social workers are sharing decisions with them and looking for ‘back-up.’ Beddoe was also clear that supervision must recognise the possibility of change, as per the old penology (Feeley and Simon, 1992), and not stop at defensible ‘management’ of service-users (as per the new penology, *ibid*). Sawyer (2009) suggests that supervisors are more interested in the documentation being completed than the actual work done. In terms of the current study, then, we would expect to see a correlation between perceptions of supervision as procedural and managerial, and experience of ethical stress. The relationship between the questionnaire question “Supervision is mainly about following procedures and meeting key performance indicators” and scores for ethical stress was investigated using Pearson product-moment correlation coefficient. There was a strong, positive correlation between the two variables (see Section 4.7, Figure 19). The more procedural supervision was judged to be, the more ethical stress was experienced by workers. This result reinforces the literature which gives a key message that supervision which allows for discussion of practice, values and change is crucial element of a healthy ethical climate and very important for low levels of worker ethical stress.

To sum up, then, agency approach to risk and ethical climate contribute to, and impact significantly on, workers' experiences of ethical stress. A factor which seems to have a particularly strong influence in this contributory relationship, is the role of the senior social worker. In terms of risk decisions, seniors can ameliorate the worst effects of controlling procedures by taking decisions jointly with workers and being flexible and responsive to need. The question does remain, however, as to whether experienced social workers find this type of joint approach less reassuring and more stifling – are senior social workers unable to *allow* discretion to the level an experienced worker would want? It would seem that, from the findings in the current study, perhaps not.

In terms of ethical climate, then, the quality of supervision depends on the senior, as does wider ethical discussion and value based, participative decision making. The senior appears to play an important role in all of these elements. Workload is another important factor impacting on the ethical stress of workers, but seniors do not appear to be held responsible for this in terms of respondents' comments. Rather, there is a general feeling of externality in regards to the workload effect, for example:

“We have far too much to do.”

Yin (2004), writing about management strategies for ensuring that “the health of the worker comes first” (Yin, 2004, p605), includes giving workers more autonomy and flexibility, directing emergencies to other agencies and building in resilience building activities and very supportive supervision. She admits, however, that she could only write in this way after resigning from her position. She also admits that, whilst still employed, she could not share the fact she ‘allowed’ her workers to operate outwith policy. This

seems indicative of the fact that it would be very difficult for senior social workers to impact upwards on management policies, which includes issues such as workload levels. Social workers seem to realise and accept this as there was no comment about senior social workers being responsible for worker overload. Rather, the responsibility for this is given to higher ‘management,’ for example:

“Management are very unrealistic about the amount of work people can manage”

And

“We need more workers.”

The main themes that have emerged from the analysis of the model thus far then, are:

1. The more risk averse an agency is, the more workers will suffer from ethical stress.
2. There is a middle ground for workers in dealing with risk which lies between complete and authentic autonomy, and complete agency risk aversion and procedural practice. The middle ground is characterised by workers sharing decisions to deviate from policy or to take other anxiety-producing decisions with flexible and responsive senior social workers.
3. There is an interplay between workload and the prioritisation of public protection/risk work. Welfare/ helping work ‘gives’ when workloads are high, and workers in the study are clear that public protection work comes first. This can cause ethical stress for workers, but the clarity around prioritisation leads to workers not trying to ‘do it all’

and, thus they protect their well-being. The amount of this type of work done depends not just on workload demands, but also on worker inclination.

4. Supervision, as an important part of the ethical climate, is key to workers experience of ethical stress.
5. More experienced workers, older and socialised into CJSW prior to the emergence of a priority public protection agenda, feel ethical stress more strongly and perceive the other variables, especially the agency approach to risk, as more managerial and restrictive.

5.2.4 Contributory relationship between ethical stress, and risk and ethical climate

Further examination of the left hand side of the model (see Diagram 3), demonstrates that ethical stress also impacts on the ethical climate of the agency and the agency's approach to risk, in a dynamic, reciprocal loop (see Section 4.5, for results on the reciprocity of the relationship). O'Donnell et al. (2008) found that when ethical climate was positive, workers could take 'moral action,' that is, they could act in line with their values. So, a positive ethical climate encouraged not only a reduction in ethical stress, but also an increase in ethical behaviour. This, of course, would influence the ethical climate of the agency as a whole, and possibly also influence the agency's actions in dealing with risk. In this way, an 'upward spiral' can exist between the 'environmental factors' and ethical

stress. The opposite is, of course also true, an ethically insensitive, risk-averse climate can lead to increased levels of ethical stress for workers, and a consequent inability to take ‘moral action.’ Behaviour in this context, does not, then, positively enhance ethical elements of the agency. In this way, a self perpetuating, vicious circle might well develop.

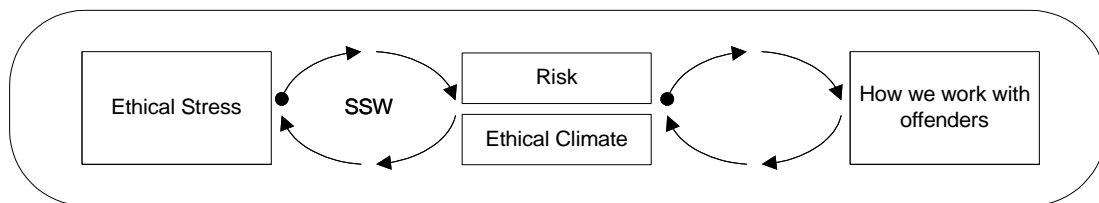
In Morazes et al.’s (2010) study authors found that factors relating to the worker’s experience with their first line manager/supervisor was of crucial importance, as already mentioned. ‘Stayers’ (those who were happy in their jobs and not looking for alternative work) stated that one of the most important factors was their relationship with their supervisors, in particular “good supervision and positive work environments” (Morazes et al., 2010, p240). Both stayers and leavers reported stress generated by heavy workloads and administrative functions getting in the way of forming proper, social work relationships with service users, which echoes the findings in the current study. However, good relationships with supervisors and peers could ameliorate these stresses. Details of what exactly was going on in these relationships is not available in Morazes et al.’s study’s findings, but it can be ascertained that not only was the ethical climate of the agency, including relationships and supervision, having an impact of the stress of workers, but that stress was having an impact on the ethical climate of the agency due to workers leaving and feeling unable to act the in way they wanted to e.g. “I didn’t feel like I could be a good social worker being as frustrated as I was” (ibid. p241). Once again, this resonates with O’Donnell et al.’s findings that people cannot take ‘moral action’ if they feel they are not in an ethically supportive environment. Kosny and Eakin (2008) also found that increased levels of value/behaviour congruence (reduced ethical stress) led to workers being able to cope with very stressful situations and experience high levels of job satisfaction. Satisfied workers who cope well will of necessity impact on the ethical climate of the agency, in a

positive way. Workers in the study were able, and encouraged, to help service users, really get to know them and enact basic social work values characterised by respect, empathy etc. The reduced ethical stress due to this value/behaviour congruence clearly impacted on the ethical climate and flexible approach to risk as value beliefs were considered to be an important priority, demonstrated by discussion of shared values and a strongly held, shared belief in the ‘mission’ of the agency (Kosny and Eakin, 2008).

Dale and Trlin (2010) explored the relationship between probation officers and ‘service managers’ (equivalent of senior social worker) in New Zealand. The context for the study was a work environment which had seen many changes in the previous decade, including an increase in managerialism, an increase in accountability and a shift towards monitoring and control of service users rather than “the achievement of rehabilitative goals” (Dale and Trlin, 2010, p 122). Clearly, this is similar to the situation in Scotland (See Section 2.1). The authors point out that there is recognition that a relationship exists between leader and follower behaviour and situational factors. In other words, linked to the point made above, how people behave will in part depend on the ethical climate of the agency and the relationship with supervisor. Again, this behaviour will contribute to the ethical climate of the agency. Dale and Trlin also suggest that leaders must encourage the “alignment between organisational values and those held by constituent professional staff” (ibid. p126) which would reduce the ethical stress caused by value and behaviour incongruence. Once again, then, the intermediation role played by the senior social worker becomes clear, highlighted by Dale and Trlin as crucial in terms of promoting value/behaviour congruence between the organisation and the worker. Successfully undertaking this mediation role would affect a reduction in ethical stress and a consequent increase in moral action and enhanced ethical climate. From the comments made by respondents in the current study,

seniors are indeed doing this, via supervision and joint, flexible and responsive decision making. In terms of the model, it seems that senior social workers may be mediating the reciprocal relationship between environmental factors and ethical stress; by their actions, they can create supportive and value-based supervision, and facilitate responsive, discretionary behaviour by workers when the workers feel it is desirable. The evidence for including the SSW in the model as depicted in Diagram 4 therefore comes from both the quantitative and the qualitative data in the current study as well as from key messages from the literature.

Diagram 4: The Importance of the SSW Part 1



5.2.5 No contributory relationship between how we work with offenders and ethical stress

Further examination of the model (see Diagram 4) suggests that, contrary to the hypothesis drawn from the literature covered in the literature review section of this study, how the agency works with offenders does not impact directly on workers feelings of ethical stress, but does influence the ethical climate and risk approach of the agency, once again in a reciprocal loop (See Section 4.5, Figure 16 for results of the standard multiple regression investigating which of the variables have a significant and contributory

relationship with ‘ethical stress.’). Respondents, in their comments, suggested that in depth work with offenders was hampered by workload and time restrictions rather than any particular practice principle on the part of the agency. In whatever way the approach to the work was operationalised, if workers had time, they were able to undertake welfare, helping type work, for example:

“the thing stopping me from doing ‘welfare’ work is lack of time and resources rather than a mandate not to do this.”

In other words, as depicted in Diagram 4, ‘how we work with offenders’ has an effect on ‘ethical stress’ only if the middle boxes are such that the type of work a social worker wants to do is restricted. The literature review had suggested that not adopting a desistance approach to work would mean that there was little space for responsive, ‘helping’ type work and that this would cause disjuncture. However, it seems that, even in a climate of manualised, proceduralised work with offenders, there is still allowance for social workers to undertake welfare, ‘helping’ work. Respondents were also quite clear that, when time allowed, agencies are happy for workers to undertake welfare work, whilst prioritising public protection (theme 4 from the qualitative data, see Section 4.7, Figure 19), for instance:

“public protection is seen as our utmost aim; however, my agency still values the welfare of clients.”

Another comment sheds even more light on the ability of workers in agencies to do both types of work (public protection/risk management/ programmed work *and* welfare), for example,

“the issues we try to address to help reduce re-offending *are* often welfare e.g. accommodation, employment and substance misuse.”

As stated, the ability for agencies to do both types of work was the 4th most reported theme from the qualitative data (see Figure 19), and resonates with the study of criminal justice social workers and their views on effective practice, undertaken in 2000 (McNeill, 2000) and explored in Section 2.2.3. The author expected to find that the increased interest in accountability and public protection was causing conflict in a service which had had welfare at its core for the previous 20 years. In other words, McNeill was expecting to uncover workers' feelings of disjuncture. As in the current study, however, McNeill found that the new restrictions on how to approach work with offenders did not cause increased ethical stress. He found instead that workers associated effective practice in reducing reoffending by working, in partnership with offenders, on underlying needs. This is not at odds with social work values, and, in fact, workers placed a “still stronger emphasis on meeting the probationer's needs, empowering them to actualise their potential, improve their quality of life and achieve change” (McNeill, 2000, p391). A reduction in offending was viewed as a consequence of these things. Therefore, workers had absorbed the new demands for accountability and the demonstration of effectiveness, but could do so whilst adhering to their value base, as the worker making the last comment has clearly also done. This might explain what underpins the strongly held view that workers, and agencies, can do both criminal justice tasks, when time allows. So, in the current study, doing welfare

work is still ‘allowed’ (a question raised earlier) and not doing welfare work is viewed as a practical rather than an ethical problem.

So, responding to welfare needs or helping offenders, can be done if and when time allows, but is not the priority task (prioritisation of public protection work was the 2nd most widely reported type of comment from the qualitative data (see Figure 19). The findings also suggest that welfare work is pretty much at the discretion or inclination of the individual social worker, as already discussed. As McNeill et al. (2009) suggested, court reports are influenced by the individual worker’s inclination to engage in helping type work with offenders. The current study appears to demonstrate a similar concept – workers can, to a degree, choose to engage in the helping agenda. A study by Stanford (2010) considered how “ideas of risk are constituted and integrated into social workers’ interventions” (ibid. p1069) and was undertaken by analysing discussion groups of social workers in Tasmania. The main finding was that definitions of risk were attached to individual service users. Risk was always a negative concept and was considered as an “intensely moral” (ibid. p1071) construct, therefore ‘risky’ clients were also ‘bad.’ This is an interesting point, as McNeill et al. (2009) also demonstrated that risk featured as one element only in the social worker’s main endeavour to separate the ‘redeemable’ from the ‘incorrigible.’ From Stanford’s study, we can see that this happens via the entwining of ideas about risk, assigning these definitions to individuals and thus making a moral judgement about badness, goodness, incorrigibility and redeemability. In our study, a few social workers made comments such as:

“(clients need) to be encouraged to empower themselves”

And

“the stress in the job is more about resistant clients and managing the risk they pose”

A further complication, however, was that the workers in Stanford’s study often identified clients as being ‘at risk’ *as well* as ‘a risk.’ Stanford suggests that this leads to a similar definition of ‘need’ *and* ‘risk’ presenting in the same client (which is, of course, the accurate picture). Workers are then torn as to which of these polarisations takes priority, which Stanford’s workers experienced as moral dilemmas. In the current study, however, workers were clear: risk and public protection take priority, welfare and need come later, if there is time. To return to the literature review, the question was raised as to whether helping offenders could ever be pursued as a legitimate aim when it comes to service users subject to MAPPA arrangements (those defined as ‘high risk’). Linking this question to Stanford’s work and the findings of the current study, it would seem that for defined ‘high risk’ offenders, workers would have even more reason to abandon welfare ‘needs’ for the pursuit of risk management processes, and to suffer little ethical stress as a result. In fact, one respondent commented:

“Regarding risk/public protection vs welfare of the client, the balance of which takes priority is directly related to how serious the risk/public protection issue is and whether others may be at risk of serious harm. If the answer is no, then welfare can take more of a priority.”

In contrast, then, to the service users in Kosny and Eakin’s (2008) study and to Hudson’s (2001) emphasis on positive human rights, criminal justice service users are not viewed as wholly deserving of help just by virtue of being human. They have to earn the right to help

by being judged as low risk. This point will be revisited in Section 5.3.2. In a study by McNeill et al. (2009) of court reports, as discussed earlier, the researchers found that welfare concerns were not highlighted as subjects for intervention in their own right, but rather as a means to achieve reduced re-offending and reduced risk to the public. It would appear from the current study, that this frame of reference continues once a court report has been considered and a probation order (as was, now a payback order) implemented, in that welfare, even when it is undertaken, is done with the explicit purpose of reducing the risk of the offender, not helping him or her. The idea that as material and personal circumstances improve, crime should reduce (Garland, 2001) underpins the Social Work (Scotland) Act 1968, and should also add to the the social workers' justification for tackling welfare issues and undertaking 'helping' work; *but* public protection and risk management over-ride this endeavour to the extent that there is often no room or time for welfare work at all:

“workloads change so dramatically at times....so difficult to prioritise welfare over criminogenic needs,”

“how can we get to know clients properly in terms of risk when we have to complete the 20 assessments within 20 days of sentencing!!!”

And

“although managers do seem to have an awareness of the importance of worker-client relationship, nonetheless the primary focus is on meeting targets and performance indicators.”

Herein, then, lies one explanation why the agency's approach to work with offenders does not impact directly on workers' feelings of ethical stress. Agencies do not deter workers from addressing welfare needs and helping where they can, and workers consider these endeavours important for reducing reoffending. However, when time is short and workloads high, the bureaucratic, procedural tasks associated with risk monitoring take priority. Workers do their best within those restrictions and, because they are doing their best, do not feel their values are compromised. For each worker, 'doing what you can' (healthy, in terms of overall well being, (Shier and Graham, 2010)) will be an individual judgement. For example, a worker who does not believe in penal-welfare values will choose to only do the monitoring, risk management work, and this will be viewed as acceptable (the important tasks are being done). A worker with a strong belief in penal-welfarism will 'go the extra mile' and will attempt to do welfare work when workload allows. Both workers will feel they are acting in accordance with their values, within the external restrictions. It seems that external measures of approval and review would find both approaches acceptable. Only the ethical climate will exert any influence on how workers are 'supposed' to work beyond the risk management procedures. Any approach to work with offenders only becomes a problem in terms of ethical stress when it is obstructed by excessive workload demands or when the wider ethical climate is at odds with how the worker wants to work. Then there is a direct impact on ethical stress as already analysed. In support of these ideas, several comments were made regarding the latitude that individual workers have to involve themselves with welfare needs or not, the implication being that as long as the other tasks are done, working with welfare needs can also be undertaken if the worker chooses to do so, for example:

“I believe that the service a client receives is largely dependent on the individual worker and their knowledge and motivation.”

Workers can then, to an extent, choose to work in a more or less helping/welfare driven manner depending on their own value base (theme number 6 from the qualitative data, see Section 4.7, Figure 19). It is therefore not surprising that ethical stress does not result from the type of approach taken. In this context, however, it also seems that no-one will be too perturbed if the welfare type of work does not happen. The message from the current study is that public protection, risk assessment and administrative paperwork all take priority and welfare work is done if time allows and if workers want to do so. This fits very well with McNeill's (2004) argument that work with offenders has shifted from helping the offender as an end-in-himself to the help being offered as a means to reducing re-offending and protecting the public. Future victims are the ones at whom the 'helping' is really aimed. Any reduction in the poor circumstances and increase in comfort of the offender is an extra bonus. This, of course, dilutes the emphasis on helping if the more controlling measures of assessment and management are seen as the more effective, priority duties. Halliday et al. (2009) in a study of criminal justice social workers within the sentencing process in Scotland, found that welfare needs in court reports were down-played, as workers attempted to achieve credibility with those of higher status in the criminal justice system (e.g. sheriffs). Workers worried that “their professional discourse of welfare and care would be undervalued as “namby-pambyness”” (Halliday, et al., 2009, p422). Although carrying out the supervision of a court order does not involve the direct oversight of a sheriff in the way that reading a report a worker has written does, the tone is nonetheless set that welfare needs take a back seat for reasons of public protection, time restrictions *and* credibility in the eyes of the court. From the current study, then, it is easy to

understand why some workers will attend more to the welfare of service users than others. Personal motivation and a strong belief in penal-welfare values are required to overcome the possible justifications for not becoming involved in this type of work.

5.2.6 Contributory and reciprocal relationship between how we work with offenders and risk and ethical climate

The second point for consideration in the analysis of the model is that the approach to work with offenders *does* impact on the agency's approach to risk and the ethical climate. See Section 4.5 and Figure 13 for the results of the first standard multiple regression which shows that 'how we work with offenders' has a significant and contributory relationship with both 'risk' and 'ethical climate.' Results are also given demonstrating that the factors 'risk' and 'ethical climate' also impact on 'how we work with offenders, again in a reciprocal loop. Also, see 5.2.4, Diagram 4 for these relationships expressed diagrammatically. So, the less desistance focused an agency is, the more risk-averse and the less 'value-friendly' is the culture. The connections between these three variables are quite easy to see. For example, if work with offenders is dominated by set programmes and manualised groupwork, then this will become a problem if workloads are high. High workloads, an element of ethical climate, will have the effect of only allowing time for risk management and the procedural, systematic, technician elements of the work (which, as already covered, our respondents said took precedence when time was tight) and not allow for relationship based, helping, desistance work. The ethical climate will therefore impact directly on which type of work with offenders is encouraged. For workers who do not share penal-welfare values, this will not cause a problem, but will increase the perpetuation

of a vicious circle of technicist practice. Workers in this type of environment who have a firm belief in penal-welfare values, will feel significant ethical stress (and will try to do welfare work where possible, but without support or encouragement). Also, such a situation might well cause and be symbiotically influenced by, technical and procedural supervision, and an office climate where there is limited time or space for discussion of values or ethical issues and where the ‘new penology’ dominates. Dissatisfaction with elements of the ‘new penology’ was theme number 3 in the qualitative data (see Figure 19). For example:

“I am in a very bureaucratic environment where engagement (with offenders) is viewed very disdainfully.”

On the other hand a value-friendly culture will encourage welfare, helping, relational work in line with the ‘old penology,’ when time allows and this will be supported and reinforced, thus encouraging an ‘upward spiral.’ Clearly, this will reduce the ethical stress experienced by workers to whom values are important (hence the relationship between ethical culture and ethical stress, as discussed previously). Furthermore, Dale and Trlin describe a ‘values-based’ style of leadership as one which depends on “the level of value-congruence between leader and follower” (Dale and Trlin, 2010, p127). They go on to say that this “in turn, is likely to exert a significant influence on service delivery” (ibid. p127). In other words, the ethical climate of the agency (as already established, heavily influenced by the senior) and the level of ‘value congruence’ between senior and social worker will directly impact on the work with offenders (service delivery). As Dale and Trlin explain, this is because within a ‘values-based’ leadership style, values are used as a guide for action. In the current study, if worker and senior share values characterised by penal-

welfarism and its inherent core function of helping, then this will impact on the approach to working with offenders whereby helping and welfare work will remain as one of several priorities even in the face of the over-riding requirement for risk and public protection tasks. If workers are, as suggested above, personally motivated to become involved in welfare work and desistance-informed approaches, this will influence the type of discussion that goes on in the office. As McNeill et al. (2010) state in their comprehensive literature review, “social workers in criminal justice have a sense of ‘double marginalisation’ from “generic social work....and from the law profession dominated world of the courts” (McNeill et al., 2010, p37). This double marginalisation leads to insecurity and anxiety, expressed, for example, in the status seeking and underplaying of welfare concerns apparent in court report writing as already discussed (Halliday et al., 2009). Another consequence of this marginalised context is that cultures within agencies become self-perpetuating, minimally affected by outside influences. McNeill et al. (2010) state that “criminal justice social workers may themselves tend to look inwards, to identify with their traditions, their teams and their peers, and to hold fast to established routines and practices” (ibid. p40). Therefore, if workers have a strong commitment to penal-welfare values, they will imbue the culture with those norms and traditions and this will tend to self-perpetuate in the socialisation of new workers and the type of discussions and debates within the agency. Conversely, however, should workers feel that welfare work is not valuable, then this will impact on the ethical climate in the same self-perpetuating way. It can be seen, therefore, how the approach to work with offenders can influence the culture without impacting directly on the ethical stress of the workers.

Glisson and Green (2011) conducted a very large national US study looking at the effect of organisational climate, defined as the elements of culture experienced by workers as per

the current study, on outcomes for child welfare. The researchers reported that “The study’s most important finding in that longterm outcomes for maltreated children are more positive for those children served by child welfare systems with more engaged organisational climates” (Glisson and Green, 2011, p 589). The authors theorise that this finding is because workers from an organisation with a positive climate will be able to attend to a family’s unique needs to a greater extent, will be able to respond to crises more flexibly and attentively, build relationships with the family and child more thoroughly and navigate bureaucracy more effectively. This adds weight to the significant, contributory relationship that ‘ethical climate’ has with ‘how we work with offenders;’ that is, responsive, desistance characterised work will be more easily achievable if the ethical climate of the agency is congruent with social work and penal-welfare values.

A study by Smith et al. (2010) considered the experiences of 569 new employees within an organisation. Their findings highlighted the importance of validation from team members and the team leader. Messages and feedback particularly concerning the workers’ actual practices as well as opinions and views were very important to the worker making a commitment to the team and organisation, for example, “Once an individual becomes identified with a group, he or she may also develop a commitment to the group and *internalise its goals, culture, norms and values.*” (Smith et al., 2010, p46). Applying this to the argument above, then, it can be seen that new workers, learning how to work with offenders in the way the agency does (for example, how much emphasis and importance is attached to relationship building, helping with welfare and desistance), will concurrently be inclined to find acceptance within the agency by attempting to find congruence between organisational values and their own. In CJSW this may be particularly acute given the doubly marginalised position of the service (McNeill et al., 2009). Smith et al. also

highlighted the importance of identification with the organisation, as distinct from the team. Surprisingly, they found that identification with the goals and aims of the organisation was more important (in terms of retention of staff) than identification with the team. Therefore feeling you ‘belong’ to a team and share their values and culture is important, but feeling the same kinship with the wider organisation is even more so. In the context of the current study, this begs the question as to why the respondents did not express more dissatisfaction and ethical stress overall, given that many comments were made about higher ‘management’ as representatives of the organisation, for example,

“management are very unrealistic about the amount of work people can manage”

And

“Some procedures fall to the bottom of the priority list when prioritising actual work with clients, but management does not like this.”

A possible answer, however, is one which resonates with all of the findings so far, that is, the vital importance of the role of the senior social worker. Smith et al. states that, on joining the organisation, a new worker may be “unsure of the true nature of the organisation or..... ambiguous about how he or she feels about working for the organisation.” (ibid. p49). Smith et al. actually describe this as a “lack of congruence” (ibid. p49) between the team and the organisation which can be stressful for individual workers and which highlights a different level of disjuncture. Against this background, Smith et al found that “team leader validation positively predicted both team satisfaction and organisational satisfaction. It appears that team leaders can simultaneously be a representative of the local team and be a representative of the organisation” (ibid. p58). Once again, then, the senior social worker in the current study’s context might be carrying

out all of the functions identified in the discussion thus far, as well as having the most significant influence upon new workers and their socialisation into the particular culture of the team, as well as into the unique interpretations of the overall organisation's aims and goals. It seems there is a 'sense-making' function for a senior in terms of the new worker's socialisation. This might also explain why differences between LAs were found, even when any one LA may well encompass several different teams. It may be that the 'organisation' in this context is the LA CJSW organisation (as opposed to notions of a national CJSW identity), and that the senior social workers employed by the particular LA, mediate the organisational messages. Sluss and Thomson (2012) echo these findings and suggest that their study provides "evidence that the supervisor.....is an integral relational source for newcomer attitudes such as identification, fit and satisfaction." (Sluss and Thompson, 2012, p120). The researchers found that on-going access to supervisors, advice, task instruction etc. (supervisor socialisation tactics) and discussion of mutual goals and values (leader-member exchange) have a strong influence on identification with the organisation (as explored previously, mediating organisational goals and policies, and actual practice) and the personal fit of the work. As discussed previously 'personal fit' of the work is a significant ethical stress reducer (Shier and Graham, 2010). So, in summary, as Sluss and Thompson state, "the newcomer process may be much more complex, both symbolically and substantively, than merely a learning process" (ibid. p122), and the role of the senior social worker (in our context) may be absolutely pivotal. The above discussion adds substantially to the findings from McNeill et al. (2009) in regards to a self-perpetuating culture within CJSW. CJSW is doubly-marginalised and the culture may be inward looking and self-perpetuating, but one of the key features of that process is the role of the senior social worker – in terms of acculturation of new workers and the on-going personal fit between the worker and the wider LA CJSW organisation.

In terms of the model, then, new workers will learn the practices of working with offenders, which will impact on, and perpetuate, the ethical culture of the agency. Hence the reciprocal influence of these working practices and the ethical climate of the agency. When these socialisation techniques fail, and the culture the senior, the team and the organisation create are at odds with those held by a worker, and no amount of mediation by the senior social worker can alleviate this, then the explanatory link in the model between ethical culture and ethical stress is obvious. There remains incongruence. This will also happen when the culture of the organisation is simply having too strong an influence, and the senior either backs up the organisational policy and procedures without any flexibility and/or tolerance of ontological anxiety, thus creating a restrictive, risk averse and value-unfriendly ethical climate which also self-perpetuates and which workers find cause increasing levels of ethical stress.

The agency approach to risk has also been demonstrated to have a significant impact on the agency's approach to work with offenders. The more risk-averse the agency seems to be, the less desistance based is the approach to work. The suggestion was made in Section 2.3 that desistance work might be difficult for agencies to adopt because of the ontological anxiety it might produce. Workers need autonomy and discretion to respond to service-users in thoroughly individualised ways – taking into account the service user's agenda and priorities. This might well involve helping with needs and problems that are not necessarily strictly criminogenic in nature (Fenton, 2012a). However, this approach is congruent, again, with values based on a penal-welfare ethos. This responsive and discretionary way to work does produce ontological anxiety and it seems from the results that the more risk averse an agency is, the less it is able to tolerate anxiety, as suggested in Section 2.3. This

might be one reason, therefore, why the impact of the desistance literature has been “muted” (McCulloch and McNeill, 2009, p155). The normal distribution for scores for the ‘risk’ section demonstrate that the spread is skewed towards the lower scores. Therefore, hearteningly, workers are rating their agencies as somewhat less risk averse than a normal spread would have suggested. Desistance work might be hampered by risk averse practices in agencies as suggested, but maybe not to a great degree. Agencies are viewed by workers as not overly risk averse which resonates with McNeill et al.’s (2009) findings that court reports were also not dominated by an over-riding concern with risk. Once again, the comments support this in that the most prolific view is that agencies support both standardised risk procedures as well as responsive, helping work. The ethos is that workers should do both, *but* heavy workloads impede this, often only leaving time for the procedural risk/public protection priority tasks.

The question does arise however, in regards to workers perhaps not viewing practices as risk averse not because the agency is risk accepting, but because workers’ views are in line with risk averse practices. For example, theme number 7 from the qualitative data (see Figure 19) is characterised by workers finding risk assessment tools and procedures to be positive additions to their work. As mentioned previously, only one worker framed this in overtly risk averse terms of being protected from blame, whereas other comments were more concerned with the work being more robust, for instance:

“I think it’s a positive change in practice that work is based upon structured risk assessment tools,”

“structured risk assessment tools only add to the professionalism of my work, by giving a sound research base on which to base decisions”

And

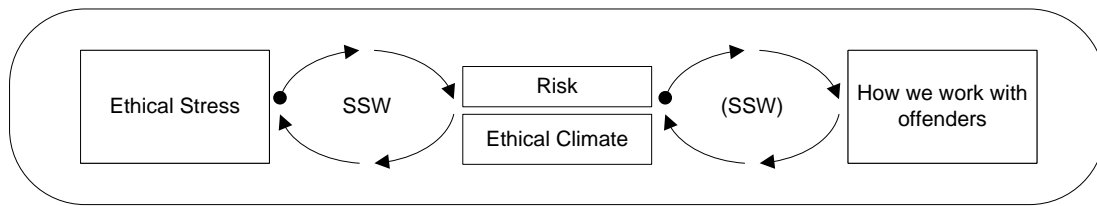
“risk assessment tools are considered to be ‘more professional’”

This resonates with Robinson’s ideas around ‘professional paradox’ (Robinson, 2003). Given, however, that more experienced workers object to risk aversion more than any other single aspect of the ‘new penology’ is this being balanced in the results by a positive outlook from less experienced workers? The comments would suggest this may be the case. Is Robinson’s ‘paradox’ experienced by newer workers as more of a ‘certainty’ that risk assessment tools and procedures are positive and add to the professionalism of the work? These are, perhaps, questions for further study.

It is also logical to suggest that a risk averse approach which is mediated via a senior and produces more or less ethical stress for workers, might also be mediated via a senior to impact on the type of work undertaken. Risk aversion would lend itself to manualised, programmed work rather than to responsive, desistance work as discussed previously. Might the senior social worker also be playing an important role here? The comments would suggest that this is the case. For example:

“I think the agency struggles with the difficulty in ‘measuring’ the value of a helping/welfare approach, is unsure of its political acceptability and therefore is reluctant to embrace it openly.”

A senior who is clear in their adherence to social work values, would be able to rationalise and legitimise a welfare/helping approach, and thus be able to embed it as a vital part of the culture. However, as the quote above illustrates, this is not easy. Stanford (2010) states “It appears that fear, the undermining of trust and the need for control have overtaken and undermined discussions about the creative impetus and courage required to take risks in practice” (Stanford, 2010, p 1067). Stanford goes on to say that efforts to control and minimize risk have taken the place of real efforts to relieve hardship, that is, risk management has eclipsed helping work. In this context, senior social workers have to be strong and clear in their value base to be able to withstand the pervasiveness of risk aversion. Once again, they have to be able to see, understand and articulate the importance of social work values and the place of social justice and helping/welfare within that. As Kosny and Eakin (2008) found, the workers and managers in the agencies they studied, all had a strong and shared belief in underpinning social justice values. They saw service users as victims of an unfair society and thus were able to legitimise helping and share a belief in the mission of the agency. As the respondent above stated, in the current study, people viewed managers as being less than clear about the values of social justice in that perhaps it is not politically correct to view offenders as any sort of victim whom we can legitimately strive to help. Once again, then, the practice and underlying value beliefs of the senior social worker is playing a pivotal role. Although this aspect of the analysis is drawn more from the literature than from the findings of the current study (see Section 3.5 regarding this particular limitation of the study), it appears sufficiently important and robust to warrant inclusion in the model, with brackets to denote its more tentative nature. As such, the model now looks like:

Diagram 5: Importance of the SSW Part 2

5.2.7 Bringing the Findings Together and Conclusion

The module represented in Diagram 5 has been dissected and analysed above. It is now necessary to relook at the deconstructed elements and attempt to reconstruct them into a comprehensive ‘whole.’ Obviously, the setting for the model is CJSW in Scotland, where, as was ascertained in the literature review, the position and importance of penal-welfare values and the resultant duty ‘to promote welfare’ (Sec. 12, Social Work (Scotland) Act, 1968) has changed dramatically over the years. The erosion of these values and their replacement with public protection and risk prioritisation has also been discussed. These changes have been presented as a context wherein social workers may experience ethical stress, caused by the inability to base one’s practice on one’s values. The value base of social work is characterised by helping people with their problems and by giving attention to social justice issues (International Federation of Social Work (IFSW), 2012). Therefore, social work should be concerned with helping people with their welfare needs *and* understanding and promoting social justice, for example, understanding the effects of social injustice, tackling this where possible, taking cognisance of a person’s difficult circumstances (for example poverty, lack of opportunity) and working towards an aim of a

more just society and positive change for the individual. Social work departments in Scotland operationalise these values via the Scottish Social Services Council (SSSC), the regulatory body for social services in Scotland, and their Codes of practice (SSSC, 2009). For example, the Codes state that social workers must, “protect the rights and promote the interests of service users and carers” (SSSC, 2009, p 22).

As stated in the literature review, the dominant ideology in criminal justice in the western world has, from the beginning of the 20th century, been characterised by a penal welfare ethos (Garland, 2001). Penal welfarism has rehabilitation at its centre and is underpinned by the maxim that as material circumstances improve for people, so crime should reduce (Garland, 2001). There is, therefore, congruence between a penal welfare approach, the value base of international social work (IFSW, 2012) and the legal and value base of Scottish social work. Helping people to improve their circumstances is a welfare based approach, and endeavouring for a more materially comfortable society for everyone, is a social justice aim. The good fit between social work in general and social work with offenders, in particular, would therefore lend itself to social work with offenders sitting comfortably within social work departments, and having clear legitimacy for undertaking helping and welfare work with service users.

From the findings of the current study, however, it seems that CJSW does not sit completely comfortably within the wider social work world. Some of the changes that the ‘new penology’ (Feeley and Simon, 1992) has brought about are at odds with the value base of wider social work, and this is objected to quite strongly by workers in the qualitative data. Objections to features of the new penology is the third most prevalent theme which emerged from the data, for example:

“Modern social work practice is increasingly shifting focus to ‘box-ticking’ and ‘number-crunching.’ Lots of time is now spent on recording events.”

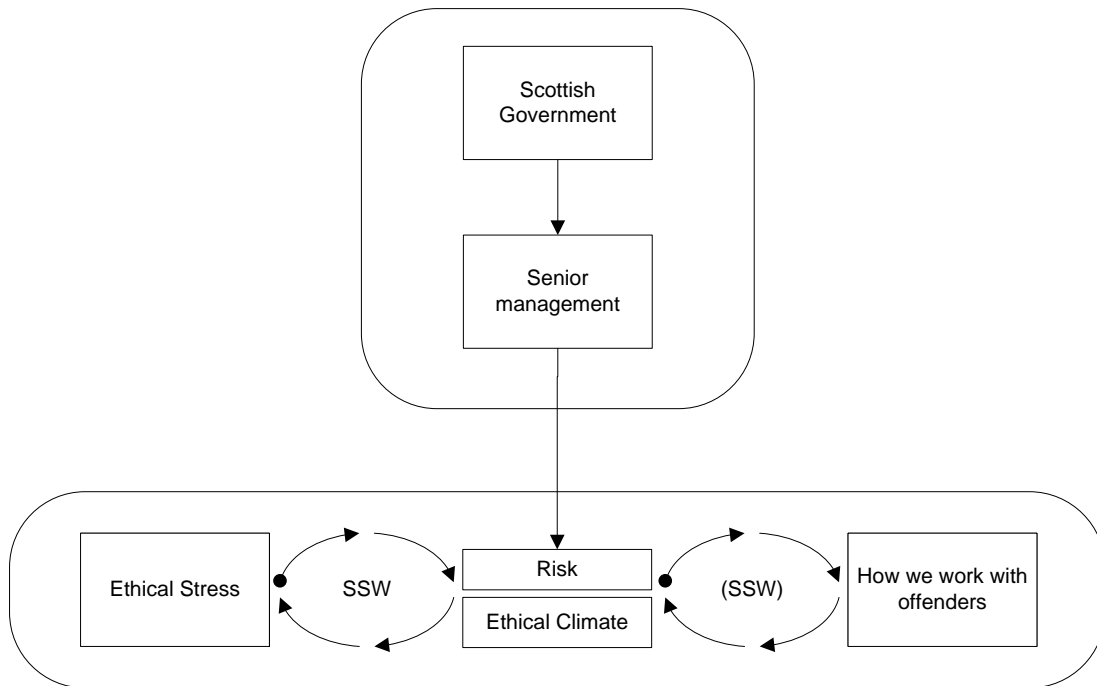
“The degree of flexibility in how you choose to work with your client has decreased over time.”

AND

“A major emphasis on risk and, in addition, we are all about achieving targets.”

At a team level, senior social workers are mediating between ethical climate, approach to risk and the amount of ethical stress a worker will experience. Senior social workers also appear to mediate between how the agency approaches the work with offenders, risk and ethical climate. Senior social workers have been shown to be pivotal in terms of sharing risk decisions, providing supervision and ‘allowing’ or encouraging penal-welfare based work. However, the historical and ‘new penological’ changes discussed in Section 2.2 and commented upon above, have become embodied in governmental changes of direction and priorities, and appear to be extremely influential. For example, according to the quantitative data, risk aversion impacts on ethical stress and restrictive risk practices influence how a social worker can work with an offender (Diagram 5). Reflecting on the qualitative data further, however, the second most common theme, and 18.7% of all comments, made reference to the belief that risk and public protection work must take priority, and the fourth most common theme, that agencies can balance risk work with welfare work, are concerned with the influence of the ‘new penology’ in terms of its most defining feature, risk management. Add this to the third most prevalent theme which is defined by negative comments about ‘new penological’ features as illustrated above, and it

can be seen quite clearly that the qualitative data set is clearly concerned with features of the ‘new penology.’ Although social workers, as illustrated above, made negative comments about the ‘new penology,’ the prioritisation of public protection in the mid-90s (McCulloch and McNeill, 2011) which was very congruent with a ‘new penological’ ethos, appears to have impacted to such an extent that workers are extremely clear that risk and public protection work is always the primary concern. Notwithstanding that prioritisation, however, the duty to promote welfare also remains, but, according to respondents, is very much secondary. How much emphasis, importance and encouragement is given over to promoting welfare and to ‘helping’ depends on the ethical climate of the agency and to the approach to risk the agency takes (as suggested by the significant and contributory relationships these two variables have with ‘how the agency works with offenders’ see Section 4.5, Figure 18), but it might be argued that, according to the qualitative data, the most important influence on the work done with offenders is the ‘new penological’ impact of the Scottish Government. This can be expressed as follows (Diagram 6):

Diagram 6: Importance of the Impact of the Scottish Government

In recognition of the powerful influence of the ‘new penology,’ and the resulting tension with traditional, rehabilitation and welfare based probation, Vanstone and Priestly (2008) proposed a new model of rehabilitation, separating the two functions completely. One function would be embodied in a “control agency” (Vanstone and Priestly, 2008, p68), designed to control and manage those offenders who pose a danger to others. The other function would include the community justice functions, all concerned with change and including traditional probation (as per the ‘old penology’). The community justice function would promote “a response to offending which stresses harm reduction.....dedicated to the production of citizens” (ibid. P70). This model attempts to bring a structural clarity to the competing demands of contemporary probation, a clarity which, according to the current

study, social workers find in the expression of their own work at the expense of the change based, welfare endeavour of the 'old penology.'

In conclusion, then, the exploration and analysis of the data collected in relation to research question 1 has uncovered a complex picture, best expressed diagrammatically in Figure 6. In addition to identifying the connections between variables and the possible underlying explanations for those connections, other additional findings have been emerged. The important role the senior social worker plays in mediating between the intra-organisational features of the model, was an unexpected, and yet quite clear, finding. Exploration of the qualitative data has added an explanatory layer to the statistical connections described, but has also given a very clear message about the power of the 'new penological' changes which appear to impact forcefully on all aspects of CJSW. Finally, the difference in perceptions between older, more experienced workers and younger less experience workers is emerging as a striking theme. This will be discussed further in Sections 5.3 and 5.4.

5.3 Research Question 2: Do different local authorities produce different scores on the model variables?

5.3.1 Introduction

The results from the MANOVA (see Section 4.6) show that, in terms of the combined variables, there are significant variations between LAs. In other words, when the effect of the variables ‘ethical stress,’ ‘risk,’ ‘how we work with offenders’ and ‘ethical climate’ were taken together, LAs varied significantly. When the results for the four variables were considered separately however, it appears that only ‘ethical stress’ and ‘ethical climate’ vary significantly from LA to LA. ‘Approach to work with offenders’ and approach to ‘risk’, do not. In summary, therefore, how ethically friendly the agency climate is, and how ethically stressed a worker feels, depends, to a significant degree, upon where the social worker works. The approach to the work with offenders and the approach to risk, however, are similar regardless of workplace location. This will now be discussed in more depth.

5.3.2 Ethical Stress and Ethical Climate

Ethical climate varies significantly from one LA to another. Ethical climate can be linked to ‘culture’ which is defined by Tyler (2007) as “A pattern of shared behaviours, beliefs, ideas, values and knowledge embedded in practices, systems, artefacts and symbols....It refers to the atmosphere or climate within the organisation and to the values that influence

the way people work and are managed” (Tyler, 2007, p215). It can be seen from this definition, then, that shared beliefs, values and how people are managed (the role of the senior social worker (SSW)) form part of the definition of culture as well as of the ethical climate variable already analysed. As McNeill et al. (2010) suggest, ignoring the powerful effects of culture has been recognised by many writers as a recipe for failure. It would seem that the results in the current study add weight to the importance of culture, given the direct link between ethical climate and ethical stress, *and* ethical climate and the agency approach to working with offenders. The starting point for this section of the discussion, is McNeill’s hypothesis that CJSW in Scotland is in a ‘doubly marginalised’ position:

“The criminal justice social workers evidenced an enduring role tension between their responsibilities as justice professionals towards the courts, and their responsibilities as social work professionals towards their clients or service users. In their discourses and practices, they also revealed a sense of ‘double-marginalisation;’ both from generic social work...and from the law-profession dominated world of the courts.” (McNeill et al., 2010, p37).

As a result of this double-marginalisation, and also due to the changing socio-political landscape (the new penology), McNeill et al. suggest that criminal justice social workers feel insecure in their role and that they believe “that their welfare affiliations are a liability that must be offset by adapting to a risk management and protection ethos” (ibid. p37). It was quite clear in the first part of the discussion how social workers were adapting in that they continued to pursue welfare aims with their service users when there was time and space within workloads to do so, but were simultaneously very clear that risk management and public protection tasks took priority (theme number 2 from the qualitative data, see Figure 19, Section 4.7). They also adapted by sharing more of their decisions with senior social workers rather than striving for fuller, more authentic autonomy. As McNeill et al. state “criminal justice social work continues to struggle with fundamental issues of identity

and purpose” (ibid. P38), although the findings from the current study would indicate that there is more clarity than this would suggest, especially in relation to the prioritisation of public protection/risk work. Respondents were surprisingly and consistently clear about this. Notwithstanding this clarity of purpose, however, workers do feel ethical stress when they perceive their agencies to be risk averse *and* when workloads and ethical climates are such that any inclination to undertake welfare work is thwarted.

McNeill et al. (2010) go on to say that a further consequence of the ‘double marginalisation’ is that “criminal justice social workers may themselves tend to look inwards, to identify with their traditions, their teams and their peers” (ibid. p40). This then may mean that individual team or LA cultures are self-perpetuating, somewhat detached from outside influence other than those elements which are brought in by the Scottish Government (see Diagram 6). This would therefore explain why ethical climate varies depending on where you work in Scotland. Each LA (and perhaps, to some extent, each team) will have its own unique culture which self-perpetuates to a degree, and within which the senior social worker plays a major part. McNeill et al. state that “at the front line, ideological change can be negotiated, mediated and managed in practice by individual penal professionals finding different ways to re-inscribe existing ...practices with evolving ideologies” (ibid. p37), whereas the results from the current study would suggest that this is not happening at an individual social worker level, but, rather, may be happening at a first line manager level. Senior social workers are mediating changes in priorities and ethos, and ‘allowing’ workers to find time for welfare work, encouraging said work, allowing discretions and deviation from procedure and sharing decision making with social workers. In the current study, the senior social worker is the mediator of ethical stress at several levels (theme number 5, Section 4.7, Figure 19). Thus far, then, it can be seen that

the ethical climate within an agency might vary from LA to LA, and it has already been demonstrated that the level of ethical stress workers will experience depends significantly on that climate. In order to further the discussion, it is necessary to have a clearer idea of what ethical climate is and what kind of part it plays in the overall culture of an agency.

Schein (2010) explores three different levels of culture. The first level is comprised of “artefacts” (Schein, 2010, p24), the observable, visible manifestations of culture. So, in the context of the current study, the questions about ethical climate were concerned with this level; supervision, group discussions, decision making discussions, workload, change processes and explicit jargon describing the agency (e.g. ‘procedurally driven’). Glisson and Green (2011) describe ‘organisational climate’ as capturing “the qualities of work environments that explain how those environments are experienced by the people who work in them” (Glisson and Green, 2011, p 583), which, again, is congruent with the current study’s definition. Schein suggests that although the artefacts level can be seen or experienced, to understand what it means, one must explore the deeper level of “espoused beliefs and values” (Schein, 2010, p25). According to Schein, the only way to uncover this level is to ask people who work in the agency, as per the current study. However, Schein also notes that what may be uncovered are aspirational values or beliefs, and those might be at odds with the actual work or practice within the agency. For example, respondents in the current study made some comments such as:

“my agency still values the welfare of clients”

And

“I feel we can, and do, consider values”

illustrating that social work values were sometimes being ‘espoused.’ However, given what the study has shown in terms of actual practice and ethical climate (the ‘artefacts’ level), that is that work based on traditional social work values very much takes second place, it would seem that these ‘espoused values’ are indeed somewhat aspirational.

The current study also attempted to uncover if social workers felt their agencies shared a belief in penal welfare values (comprised of encouraging helping/welfare work with offenders, caring about them and building up relationships with them). In this context, respondents were clear that agencies did not *object* to welfare work, in fact still valued the clients’ welfare, but that it was not considered priority work when time was short, for example:

“there is much priority on meeting key performance indicators.....but the general culture of the team is still to place importance on the actual work we do with clients”

And

“I think an agency can balance the two” (welfare and risk).

The espoused beliefs then, explicitly articulated, include believing in penal-welfare values and the traditional helping/welfare/relationship-building work based on those values, but also include the prioritisation of risk, public protection and accountability requirements. How the agency works with offenders was consistent between local authorities but, when translated into artefacts or action, created differing ethical climates suggesting that the particular penal-welfare value belief carried more or less weight depending on the agency setting. Schein suggests that to understand espoused beliefs further, the deeper level of

culture, the “basic underlying assumptions” (Schein, 2010, p 27) needs to be analysed. This level includes basic assumptions about human nature or beliefs that are taken for granted. In the context of the current study, this concept highlights once again the erosion of the basic assumptions of CJSW agencies, that penal-welfarism is unquestioningly the way to think about, and act towards, people who offend, as per the ‘old penology’ (Feeley and Simon, 1992). As Garland (2001) states that, in relation to the ‘new penology’ (Feeley and Simon, 1992), “instead of indicating need or deprivation, crime was a matter of anti-social cultures or personalities and of rational individual choice in the face of lax law enforcement and lenient sentencing regimes” (Garland, 2001, p102). Several respondents’ comments illustrate this:

“This (offending) is through their choice”

And

“clients need to be responsible for what impact their behaviour has on victims....child protection/public protection takes priority.”

One of the central underlying assumptions of penal-welfarism is that “social reform together with affluence would eventually reduce the frequency of crime” (ibid. p38), indicating the central position of helping and welfare in relation to need, of the old penology. Because this idea has lost purchase in the climate of the ‘new penology’ the underlying assumption that shapes the culture of criminal justice agencies, may well have changed also. Following Schein’s (2010) levels, if a basic underlying assumption of CJSW agencies is that offenders are to be risk managed as a priority task, but helped with welfare when feasible, this translates into an articulated value position of priority risk management tasks and variable welfare work. This, in turn, translates into action depending on

discussion of values, supervision priorities, value-based decision making etc. The elements of 'ethical climate' in fact. This is the variable concept between agencies. Given the message from the research study that how much welfare work is done depends on several factors such as workload, individual worker motivation and agency importance, it is not surprising that this lends itself to considerable and significant variation between settings.

Bissell (2012) in his summing up of culture, emphasises the importance of value congruence between the agency and the worker. Once again, this is borne out by the current study. The levels of attention to, or allowance of, welfare work must match with the social worker's value position or ethical stress is generated. Hence the earlier discussion of more experienced workers experiencing more ethical stress. The suggestion is that their socialisations, within an ethical climate built upon a basic penal-welfare assumption, will lead to congruence being achieved via practice still based on such a belief, with espoused values concerned with welfare as a priority. Hence the value incongruence generated when this does not happen, and workers are restricted to box ticking, accountability and risk management work.

So, should social workers adhere to a value base concerned with penal-welfarism or is it acceptable for the culture to be neo-liberalist as described by Garland (2001), especially if the old penology is now seen as a professional liability (McNeill et al., 2010)? The answer to this lies in the congruence between penal-welfarism and a commitment to social justice. The IFSW definition, clearly states that social work is centrally concerned with issues of social justice:

"The social work profession promotes social change, problem solving in human relationships and the empowerment and liberation of people to enhance well-being.

Utilising theories of human behaviour and social systems, social work intervenes at the points where people interact with their environments. Principles of human rights and social justice are fundamental to social work” (IFSW, 2012, p1).

This means taking cognisance of structural discrimination, disadvantage, poverty, lack of opportunity etc. The same concerns that characterise a penal welfare approach. By extension, working with those issues should be central to the practice of social work rather than something which might happen if there is time and if the worker feels so inclined. As such, it is a moral and ethical endeavour, as opposed to a simple practical task. Preston-Shoot (2011) notes that social work organisations can lose the focus on care for reasons including stereotyping of the service-user group (‘bad’ offenders choosing to inflict harm; no recourse to discussion of disadvantage) and enclosed agencies which look inward (CJSW agencies in their ‘doubly marginalised’ position). Preston-Shoot goes on to say that the organisational context and culture is very important to how social workers behave ethically, and that it is important to recognise that social workers “are not autonomous agents in their practice, independent of the organisational context in which they are situated” (Preston-Shoot, 2011, p180). Codes of ethics, therefore, which emphasise the practitioner’s responsibility neglect the complete picture. There is a significant influence from the agency culture which can redefine unethical practice as the right thing to do. Therefore, the abandoning of social justice underpinning values, which would lend themselves to real welfare endeavour, can become part of the practice definition of prioritising public protection. It is unethical to abandon such work, and yet it can become redefined as acceptable in the face of policy direction which gives an alternative emphasis. As Preston-Shoot states “institutional patterns of conduct and organisational compliance, rather than professional norms, dominate responses to genuine cases for help and distance practitioners from people’s needs” (ibid. p184). As discussed previously, it has become

acceptable to only focus on 'risk' and neglect 'need' (Stanford, 2010). The official language and pseudo-scientific jargon of technical tools and procedures can also "distance officials from the people 'served' andpromote a sense of legitimacy and routine without the need to engage with social or ethical concerns" (Preston-Shoot, p 187). Is this perhaps what Robinson (2003) uncovered when she researched the 'professional paradox' and found that some social workers objected to the introduction of a technical risk assessment tool, whereas some found it enhanced feelings of professionalism by conferring a sense of legitimacy on the work. Is this also related to why respondents in the current study were quite positive about risk assessment tools and procedures (see Figure 19, theme 7)? The above point also illuminates further Gregory's (2010) finding that the "appalling reality of offenders' lives is being ignored with the abandonment of a social work approach to the work" (Gregory, 2010, p2280).

"Agency culture is a strong force in shaping how practitioners practice" (Preston-Shoot, 2011, p 188), then, and social workers must be attuned to these forces to be able to resist their influence. The agency culture can "limit social workers to narrow interpersonal issues unrelated to (oppressive) social and policy contexts" (ibid. p188). This does assume, however, that social workers' themselves have a significant belief in promoting social justice and that they can see beyond individual pathology to wider structural influence. Although social justice is taught as a core part of all social work educational programmes, can it be assumed that workers, who have grown up in an era where "no-one can unabashedly support" penal-welfare beliefs (Garland, 2001) actually do believe that crime and social justice are linked? Lafrance et al. (2004) found that social work education providers struggled with terminating students' studies on the basis of unsuitable characteristics, one category of which was apathy and cynicism towards social justice

ideology, and inadequate political awareness. Practice educators were clear that a value position congruent with social justice aims was fundamental to the social work profession, but “expressed concern about students who failed to understand the social conditions that affect their clients, or to address the systemic issues that come to their attention” (Lafrance et al., 2004, p336). Practice educators were also concerned that students over-identify with “the bureaucratic imperatives and lose sight of their allegiance to the goals of social work” (ibid. p337).

In the context of the current study, social workers were clear and relatively happy with a prioritisation of the ‘bureaucratic imperatives’ (including standardised tools, paperwork and performance indicators) and pursued the ‘goals of social work’ in terms of welfare and relationships when they had time and the inclination to do so. Very few comments or mention was made of the social work commitment to social justice. The concerns expressed by the practice educators in Lafrance et al.’s study therefore appear to be playing out to some extent in CJSW. In the current study, older, more experienced workers experienced more stress by being unable to act on their values, newer workers significantly less so. Issues of deservedness, ‘incorrigibles,’ ‘underclass’ and risky populations who need to be controlled and managed repeatedly arose in the literature review of this thesis. Such concepts sit quite comfortably within neo-liberal, ‘new penological’ thinking where issues of social justice or attempts to understand structural discrimination and disadvantage are irrelevant. From this ethos comes the view that people who are offenders (other than those who are complying, desisting and ‘doing well,’ and thus deserving of help) are incorrigible, part of the underclass and, therefore, simply a risk to be managed. Workers who believe in this basic underlying value assumption will undertake little welfare work

and will not consider social justice. They may well, however, do the public protection and risk work very well indeed.

Lafrance et al. (2004) suggest that students should be “socialised into the social justice mission of social work in the education process” (ibid. p337), but given the earlier exploration of the power of the ‘doubly-marginalised’ culture of CJSW, the parallel power of the socialisation process of new workers into such a culture and the wider power of the neo-liberal society and ‘new penology,’ it is questionable whether more attention to social justice within educational establishments will have sufficient impact. The culture of CJSW needs to become more concerned with social justice, and explicitly tuned to penal-welfare values to facilitate and encourage workers to adhere to the “social justice mission of social work” (ibid. p337).

The role of the senior social worker has been consistently highlighted as significantly instrumental in creating the culture of the team setting. Whittaker (2011) undertook a study looking at child protection workers’ defence strategies and culture of the agency. One of the main findings was that workers, as a defence against anxiety, tended to delegate decision making upwards (to their seniors). This is, of course, exactly in keeping with the findings from the current study, as discussed previously (see Section 5.2.2). Whittaker uncovered certain techniques used, beyond simple asking, for example social workers initiating a conversation about a case, but not suggesting any action, to the point where the senior social worker filled in the gap and suggested what the worker should do. Whittaker also noted that this anxiety-defence strategy was less prevalent among more experienced workers, which is, again, in line with the findings from the current study. He found that more experienced workers reduced their anxiety by following their own judgement, and

again, this resonates with experienced workers in the current study wanting more autonomy. Another strategy used to reduce anxiety identified by Whittaker was the use of “checks and counterchecks” (Whittaker, 2011, p487). This strategy is as it sounds, checking and rechecking that decisions are acceptable. Whittaker’s study is less clear about with whom the checks were made, but it could be suggested that, once again, the senior social worker is a key player. Finally, the third strategy used by the child protection workers was to follow a specified procedure and “not being required to make a choice and thus incur the burden of decision-making” (Whittaker, 2011, p 489). This was a point made in the literature review of the current study (see Phillips, 2009, Section 2.3), when it was suggested that workers will follow procedures out of fear of being blamed should something go wrong. Whittaker adds some weight to this by highlighting the value and emphasis workers placed on procedural knowledge. This type of knowledge was rated as being of more value than case work ‘expertise.’ The workers in the current study appeared to experience some of this type of security generated from procedures, for example (theme number 5, Figure 19):

“Procedures are sound”

And

“Procedures are there for a reason”

However, there was also a significant and contributory link between risk aversion and ethical stress experienced by workers. Workers seemed to resolve the need to be responsive and take moral risks, whilst experiencing anxiety generated by working in this way, by sharing the decision making with senior social workers, and thus not shouldering the burden alone. They also, however, did rely on risk assessment tools and procedures

much of the time, viewing this as positive and not as risk averse. Whittaker brings his findings to bear on the proposed changes in culture recommended by the Munro Report (Munro, 2011), in particular the key recommendation that a culture characterised by bureaucracy and prescriptive, procedural practice needs to be replaced by one where professional autonomy is central. Whittaker suggests that “rather than simply liberating social workers, removing bureaucratic processes may leave practitioners feeling more vulnerable, as they lose the protection offered by detailed and prescriptive guidance” (Whittaker, 2011, p491). He states that workers are not simply victims of the cultures within which they operate, but that the picture is more complex than that would suggest. In this respect, his findings are congruent with the ones from the current study, in that only 30% of respondents expressed a desire for more autonomy, and only 16% agreed that if they choose to not follow procedures they do not share that with their manager. Interestingly, Munro (2011) puts significant emphasis on workers having expertise to draw on when it comes to decision making, thus alleviating the concern from Whittaker about leaving social workers vulnerable, but also states that workers must have “the willingness to make decisions in conditions of uncertainty (i.e. risk taking)” (Munro, 2011, p43). It is questionable whether workers would be willing or able to do this alone. Munro, in considering the ‘expertise’ which should be available to workers, states “arrangements for practitioners to have frequent case consultations to explore and reflect on their direct work...separate from on-going case supervision.....(and) arrangements for frequent case supervision for practitioners to reflect on service effectiveness and case decision-making...” (Munro, 2011, p108). The two functions are separate in the above proposal, but might actually be difficult to separate in practice. Decision making and ‘what to do next’ seemed to be the fundamental aspect of delegating decision making upwards in both Whittaker’s study and the current study. Increased autonomy for social workers might

simply mean more autonomy and decision making for seniors. To help social workers shoulder more autonomy (which in the current study they were quite clear they *did not* want) will involve an enormous culture change, and it may be that the middle ground which Whittaker's subjects and CJ social workers settle for, sharing decisions with a senior and not aspiring to authentic autonomy, becomes a more common tactic within social work more broadly.

In conclusion, then, ethical climate is the level of culture that workers can see and experience, that is, the “artefacts” (Schein, 2010). In terms of the current study, the themes characterising the ethical climate are:

1. The congruence of the ethical climate with the social work value base and the consequent legitimacy and encouragement for pursuing welfare aims. Those workers who have a strong belief in social justice and penal-welfarism, will feel ethical stress generated by a climate where such endeavours are eclipsed by risk management techniques and accountability measures. Hence the contributory link between ethical climate and ethical stress.
2. Supervision. Clearly this is an element of ethical climate which will easily vary from agency to agency depending on the supervisor. Allowing critical reflection (Beddoe, 2010), allowing and containing ontological anxiety (Taylor, 2009 and Bourn and Hafford-Letchfield, 2011) and avoiding the dominance of risk-aversion (Goddard and Hunt, 2011) will all impact positively on the ethical climate of the agency. The supervisor is the key player who is responsible, within limits, for setting this positive and healthy agenda.

3. Workload. Workload per se might not vary from LA to LA, and neither might the governmental imperatives for risk and public protection work to take priority. However, as discussed, personal motivation is a factor in undertaking welfare/helping work, and this will be maximised when the ethical climate is characterised by a “basic underlying assumption” (Schein, 2010, p27) that penal-welfarism and social work values more widely should permeate the work and be a priority alongside public protection work rather than be eclipsed by it.

4. Underlying basic assumptions. In the context of CJSW, the basic underlying (value) assumptions from unquestioningly penal-welfare based (and, thus, congruent with wider social work values) to one less concerned with welfare and social justice and more informed by risk management, public protection and concerned with containing and managing a risky population of offenders (‘new penology’). It is suggested that the extent to which these basic underlying assumptions have changed will vary from LA to LA and this, in turn, will affect the ‘espoused values’ (Schein, 2010) of the agency. Finally, the effect of the basic underlying assumptions will play out in the ethical climate of the agency.

5. The central role of the senior in all of the above, according to the literature and illustrated by some of the comments from the quantitative data (see theme 5 from qualitative data, Section 4.7, Figure 19). This is especially important in socialising new workers, sharing joint decision making and creating a culture of more or less

penal-welfare priority depending on their own value position and fundamental assumptions. As previously discussed, workers feel reduced stress if their values are in line with the organisation more than the team (Dale and Trlin, 2010). Therefore, the senior social worker's role in mediating organisational aims and interpreting them (again, with varying degrees of penal-welfare emphasis) is important. As respondents said:

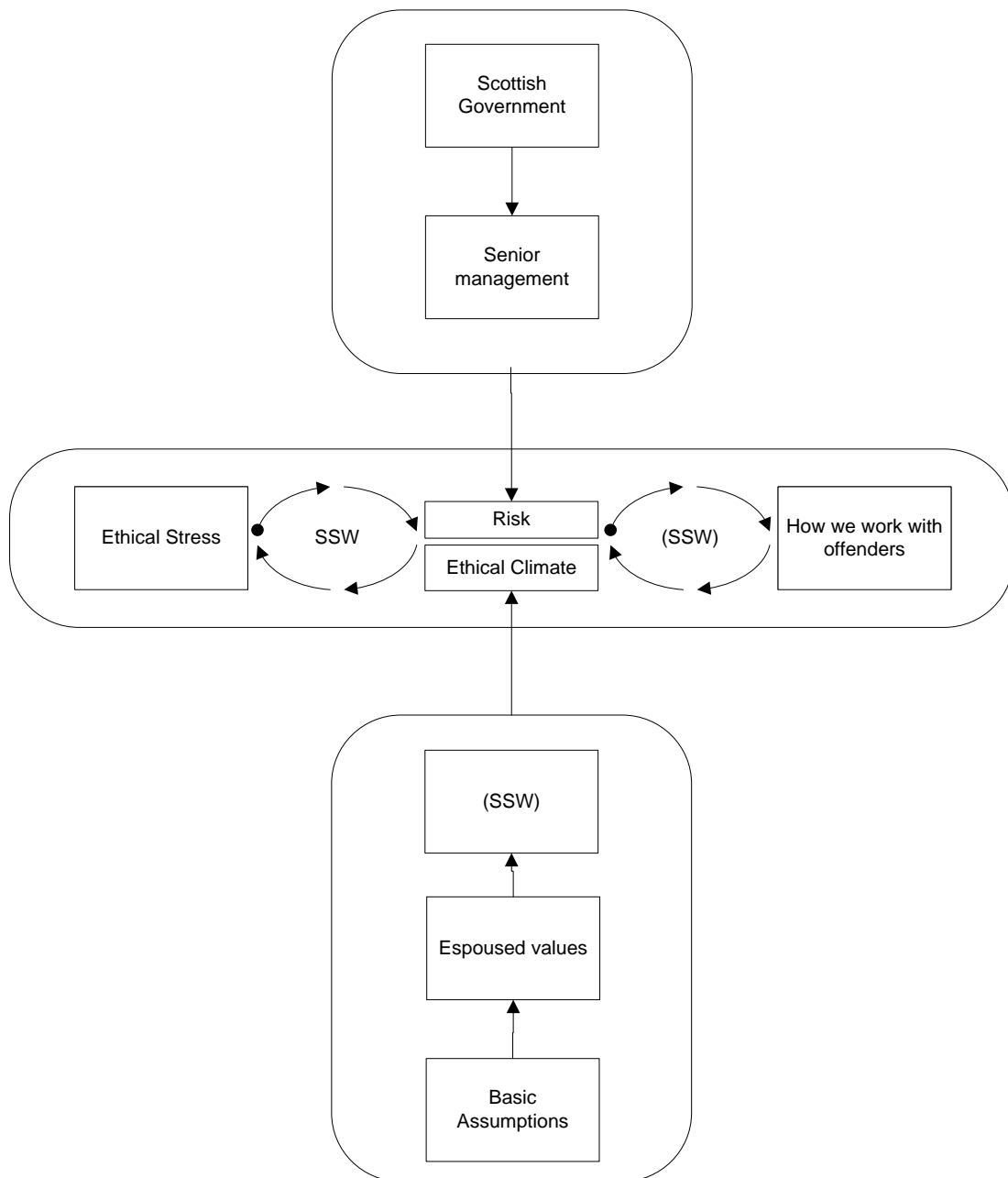
“I think it's difficult to separate my view from my manager's view from the agency view”

And

“there is still acceptance and allowance for welfare work to be done.”

Clearly, senior social workers can only ‘mediate’ within the constraints of the absolute requirements of the organisation, as illustrated by Yin (2004), who attempted to create her own ‘employee as priority’ culture but could not admit this to anyone, and could only discuss it after she had resigned. Limitations on senior social workers are clearly seen, and, as the SSW role in this part of the model is mainly drawn from the literature, it is shown again in brackets to illustrate its more theoretical nature.

The above analysis of the levels of culture and their connection to the model of ethical stress already formulated, can be shown in Diagram 7 as follows:

Diagram 7: Effects of Underlying Basic Value Assumptions

5.3.3 How the agency works with offenders and approaches risk

How the agency works with offenders and agency approach to risk do not vary significantly from agency to agency. The approach to risk has a significant influence on the ethical stress experienced by workers, however, and levels of ethical stress do vary (see MANOVA results in Section 4.6). In the sample as a whole, as perceptions of risk aversion increased, so did ethical stress experienced. However, within all of the LAs, there will be a similar *spread* of perceptions of risk aversion and consequent experiences of ethical stress levels thus leading to similarities in risk perceptions across the LAs. From the results this far, it may be that the *spread* is based on age and experience? As already discussed, there was a correlation between age and years of experience and perceptions of risk aversion. See Section 4.8, Figures 20 and 21). Returning to the results of the MANOVA, why might it be that ‘how we work with offenders’ and ‘approach to risk’ are consistent across the LAs?

Of the four variables, the ones which are most directly informed by central government policy are how we work with offenders and agency approach to risk. The first, and most obvious, manifestation of this is the roll out of standardised ‘tools’ and methods of working. For example, the way in which agencies work with offenders, as discussed in Sections 2.1 and 2.2, is based on cognitive-behavioural, accredited programmes such as Constructs (CJDCS, 2009) for ‘ordinary’ offenders, GSCOPT (SACRO, 2009) for sexual offenders and other cognitive behavioural groupwork programmes for domestic abuse offenders. The respondents in the study, as already explored, stated that beyond these programmes, agencies did not inhibit workers undertaking welfare, helping, relationship

based work, but this was, in reality, discretionary. This seems to be the view held regardless of where the respondent works and, in itself, does not cause workers to feel ethically stressed. However, this way of working does become a problem when the ethical climate is such that welfare work is discouraged or squeezed due to time restrictions.

This is a very interesting finding and one which might be key to some of the dilemmas and problems raised by this research study. If central government has such an influence on how work with offenders is approached, it follows that any change to those methods must come from central government in the first instance. McCulloch and McNeill (2008) found that the “muted impact of the desistance literature” was “both surprising and problematic” (ibid. p 155). However, looking at the results for the current study, it is unsurprising that agencies alone have been unable to embrace the desistance literature wholeheartedly, as there has not been action from central government to encourage this to happen. Looking at Diagram 7, it can be seen that if there is basic assumptive belief in penal-welfare values, this will influence the espoused values and, ultimately, the ethical climate of the agency. This should, therefore, impact on how the agency works with offenders. However, this effect does not appear to be powerful enough to counteract governmental imperatives around risk and public protection priorities nor to overcome the anxiety which would be generated, even when those elements are mediated by a senior social worker with a strong penal-welfare belief. Government imperatives require to change so that top down influence matches bottom up influences (see Diagram 7), thus leading to a powerful impact on ethical culture, approach to risk and consequently how the agency works directly with offenders.

Returning to the Section 2.2, it would make sense to briefly think once again about the case for the implementation of the desistance literature as a way forward for CJSW. ‘Payback orders’ have now replaced the old probation and community service orders (Criminal Justice and Licensing (Scotland) Act 2010), but within the new legislation, the *how* and *what* of offenders ‘working at change’ needs to be explored. This is where a clear governmental direction is required in regards to workers working individually with offenders, helping them with their problems and promoting their welfare, in keeping with the Social Work (Scotland) Act 1968 and with underpinning penal-welfare and social justice values. Therefore, welfare affiliations would be once again unashamedly embraced and there would be clarity about CJSW’s value base being a shared one with the rest of the social work world (less marginalisation). The approach should be effective, as there is a robust body of underpinning evidence, the emphasis on the relational aspect of the work will allow and promote workers getting to know the service user and their family and thus understand the social context of their lives and problems. Finally, the magnitude of the claims about what we can actually do as a service would reduce from ‘we will stop people offending’ to ‘we will help people stop offending.’ A clear policy direction from the government, then, regarding the promotion of desistance work with offenders, would bring about the above benefits and would, as a result, reduce ethical stress experienced by workers by altering the ethical climate and giving over time and space for proper, relationship based, helping work. This suggestion also resonates with the recommendations from the Munro report (Munro, 2011), about de-bureaucratising child protection social work and promoting relationship-based, helping interactions with families. The ‘how’ of how to change the culture beyond a governmental direction, is, of course, a very significant area for further research, but as McNeill et al. (2010) state, “clear, coherent and feasible change objectives” (McNeill et al., 2010, p31) are key to culture change and the goal of

whether helping/welfare/desistance work is legitimate has not been clearly articulated in recent years. Respondents commented:

“When I first came into social work, we were encouraged to look at the whole person.....more recent years have seen a major emphasis on risk instead and we are all about achieving targets”

And

“I am encouraged to refer people to other agencies for welfare support”

Also, Whittaker’s (2011) point, reinforced by the findings of the current study, is that an increase in autonomy for social workers (necessary for flexible, autonomous responses to real people) will undoubtedly cause an increase in anxiety for social workers. According to Taylor (2007) this would be healthy, ontological anxiety, but nonetheless, would it be bearable, never mind welcome? Or would there simply be an increase in pressure and decision making responsibility for senior social workers as more and more decisions were delegated upwards as a defence strategy (Whittaker, 2011)? These are questions which will require further attention.

In relation to the agency’s approach to risk, standardised risk assessment tools apply and local authorities do not have discretion in whether to use them or not. However, workers across the four local authorities felt that they did have lee-way to deviate from standardised risk responses, as long as they obtained senior social worker back up to do so. Compared to ethical climate which is independent to a significant degree from central government influence (hence its variance depending on setting), risk is significantly influenced by central government and standardised tools as above, but has an element of flexibility

depending on the senior (not enough to alter its intrinsic, centrally driven character, however). The clearest example of the direct influence of Scottish Government is, arguably, the *National outcomes and standards for social work services in the criminal justice system* (NOAS)(Scottish Government, 2010). This document sets out what it is that criminal justice social workers need to do. It operationalises the Criminal Justice and Licensing (Scotland) Act 2010 and outlines how ‘Community Payback Orders’ are to be implemented. The document also makes the priority work clear and outlines good practice principles. In terms, then, of work with offenders and agency approach to risk, the standards from the Scottish Government are very clear. The three outcomes for CJSW services are “1. Community safety and public protection 2. the reduction of re-offending 3. social inclusion to support desistance from offending” (Scottish Government, 2010, p15). Clearly, then, the social workers in the current study are working completely in sympathy with Governmental direction, public protection work (which includes risk assessment and management) takes priority and welfare work (or social inclusion/desistance work) is bottom of the list, but is still *on* the list. Does social inclusion include direct reference to helping offenders with their welfare needs? There is little mention of ‘helping’ in NOAS, and the standards are clear that this is the goal only when “there is evidence that the individual is no longer a significant risk” (ibid. p51). Does this mean that reintegration work is earned by good behaviour? This would be at odds with a positive human rights agenda; a framework through which an argument for helping/welfare work to be the human right of every CJSW service user can be made (Fenton, 2012b). The only other reference to what might be construed as helping or welfare is “re-integration should be based on an assessment of the individual’s desistance needs and *his or her view* of what constitutes a positive life free from offending” (Scottish Government, 2010, p52, emphasis added). This might mean that a service user can ask for help with what might not

be purely criminogenic needs, if it is within their vision of an offence-free life. However, although there might be rhetoric around a desistance approach, it is in a diluted form. There is little about the offender being the decision maker in what work needs to be done and there is little about the social worker building proper relationships with service users. Interestingly, NOAS also claims that CJSW is firmly based on social work values: “practice in Scotland has remained firmly rooted within social work principles and values with a strong commitment to social inclusion” (ibid. p5). Is this true when social work values are so concerned with social justice and structural discrimination and disadvantage? There is absolutely no recognition within NOAS that these effects may have had any influence upon offenders’ behaviour, in fact, when social justice is mentioned it is only in terms of the public’s right to be protected. Consequently, there is nothing in NOAS to encourage workers to fight for social justice on behalf of their service users. It would seem, therefore, that NOAS is ‘espousing’ values (Schein, 2010) which actually do not reflect the reality of practice. There is no recognition of social justice for offenders, only social justice *from* offenders. Rehabilitation is included within NOAS as correctional programmes of work, and agencies are encouraged to apply accredited programmes systematically to their client group. Once again, this does not demonstrate the embracing of a desistance approach but is an example of a narrowly defined, ‘correctionalist’ approach.

It would seem that the above contradiction between espoused values in terms of articulating that the value base of work with offenders is the same as the value base for the rest of social work, and the actual reality of practice, which reflects ‘new penological’ (Croall, 2005) ideas, lies at the heart of the enduring tensions experienced by CJSW. In 2003, the Labour party, in its manifesto, promised to create a Correctional Service for

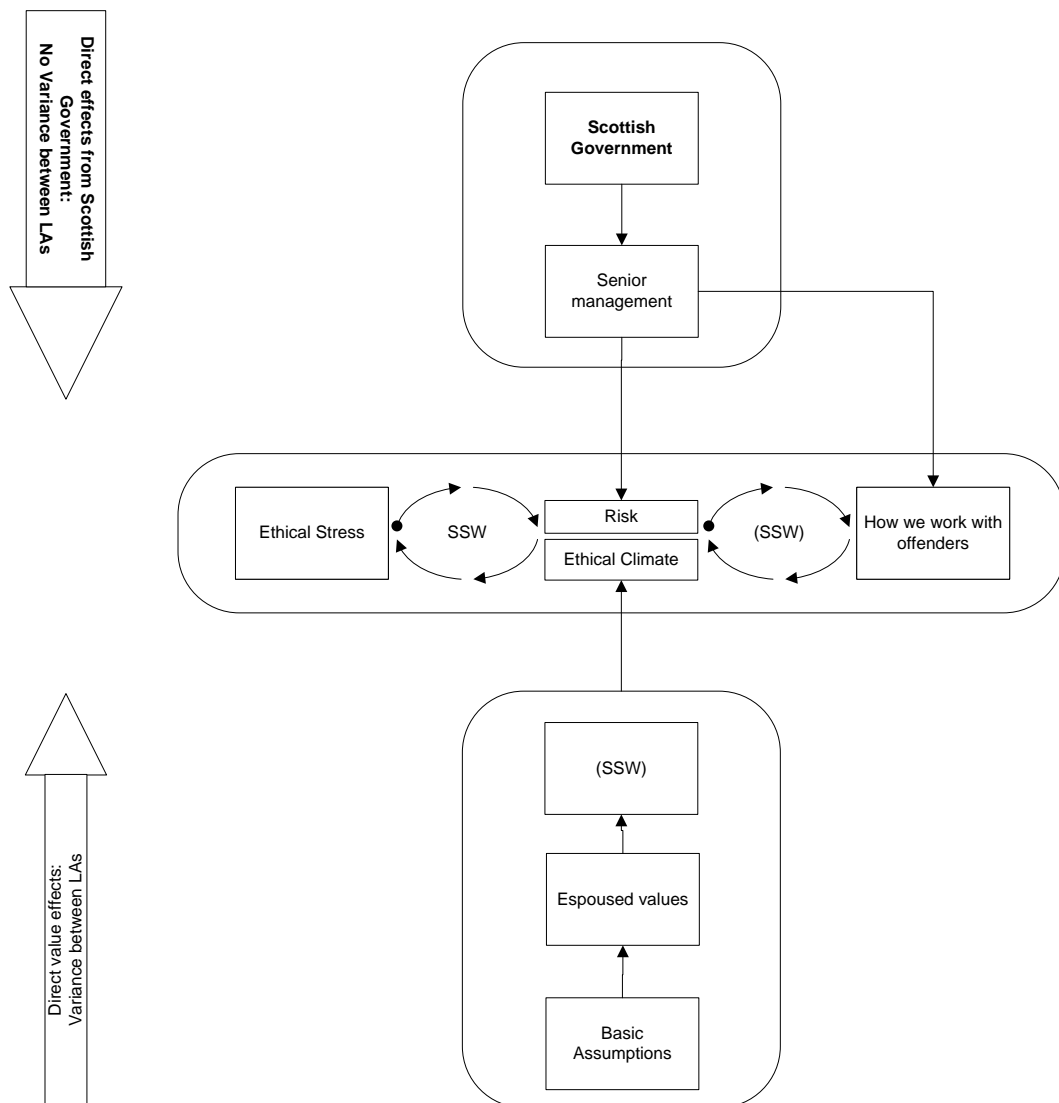
Scotland, which would remove CJSW from local authority control (and from social work?) and merge it with the Scottish Prison Service (McNeill and Whyte, 2007). Although this was modified by the Lib/Lab partnership later to consult on proposals for such an arrangement, COSLA and ADSW stood firmly against the proposals which then did not come to fruition (although re-organisation did take place, with the creation of ‘Tough Option’ groupings) (ibid). An analysis of the responses to the consultation iterates the first “strength of the current system” as the value base of CJSW (Scottish Government, 2004, p 6). Responses also demonstrate that working with offenders on their needs and problems is perceived to be key to the work done, as is building relationships and working with families and other resources. Comments were also made by stakeholders about tackling broader issues of social justice and concerns were expressed about manualised programmes which might not suit all offenders. Therefore, the value base of CJSW, that is, the value base shared with wider social work, is highlighted as a strength, as are the actions which would naturally extend from that value base, for example, helping with personal and welfare problems and taking cognisance of wider social justice issues. Such was the strength of feeling among the respondents, that plans to remove CJSW from local authorities were abandoned. So, people working within CJSW and other stakeholders at that time had a firm belief in the social work value base of CJSW with which desistance work, as already covered, is completely compatible.

As already covered, NOAS (Scottish Government, 2010) does not emphasise the particular features of a desistance approach which would reduce ethical stress for workers and bring coherence to the work and the value base. However, in England and Wales, the Ministry of Justice are rolling out an approach to work involving working individually with offenders which actually goes a significant distance towards embracing a desistance

approach (National Offender Management Service (NOMS), 2012a). The Offender Engagement Programme, which is still in its early days in England and Wales, highlights the importance of one-to-one work with offenders, and the intrinsic importance of the worker and offender building a positive relationship. Emphasis is on doing *with* rather than *to* offenders, who are actively engaged in their own plans for change. In other words, it appears to be a genuine attempt to embrace the evidence around the effectiveness of supporting desistance. The National Offender Management Service (NOMS) appears to be able to promote this work within a context of over-arching public protection. For example, NOMS aim is to: “work collaboratively with providers and partners to achieve a transformed justice system to make communities safer, prevent victims and cut crime” (NOMS, 2012b, Foreword). The attempts to promote a desistance approach are still in their infancy, but a key factor in the drive is the recognition that managers play a central role, resonating with findings from the current study. In the 2012 implementation guidance it states “there was also recognition that the modelling and support of senior and middle managers is an essential component: without this ongoing commitment, the training alone is unlikely to have a significant impact” (NOMS, 2012a, p3). As discussed earlier, Lafrance et al. (2004) suggested that social workers need more in educational terms to embed the ‘mission’ and value base of social work whereas the findings from the current study, and the literature consulted, suggest that might not be enough. The culture and power of socialisation of new workers, with the senior social worker as a key player, is possibly a stronger influence. NOMS appears to recognise this in the explicit acknowledgement that training alone would not be sufficient. However, even more powerful, is the influence of the ‘new penological’ ethos from Scottish Government, as demonstrated by the quantitative findings (‘approach to risk’ and ‘how we work with offenders’ consistent between LAs) and the quantitative data (compelling number of

comments illustrating that risk and public protection are clear priorities for workers). Only with explicit direction and backing from the government, therefore, will the “muted impact of the desistance literature” (McCulloch and McNeill, 2008, p155) be addressed. The integration of the quantitative findings, the qualitative explanatory data and the relevant literature can be depicted as follows;

Diagram 8: A Model of Ethical Stress and its Influences in CJSW in Scotland



5.3.4 Bringing the findings together and conclusion

Coffey et al. (2009) studied work environment-related stress amongst social workers in two large social work departments in the UK. The findings demonstrated that the main categories of factors contributing to stress included “organisational culture and function” (Coffey et al., 2009, p431). As in the current study, the main factor within this category was workload, and specifically having too much administration and bureaucracy to deal with which then impeded doing the job in the way the workers wanted to, for example, building relationships with service-users. When asked what could be done to make the difficulties at work better, the largest response “by far” (ibid. p434) was that more competent, permanent staff should be employed. This is congruent with the findings from the current study where workload was the factor most commented on in the qualitative data, for example:

“we have too much to do.”

The second suggestion from Coffey et al.’s study was in relation to management giving more ‘support’ which includes sharing decision making with workers e.g. “for management to realise what we have to deal with on a daily basis, especially when things are going wrong and there is no support and you are making decisions that you have not been trained for...” and “I have too much responsibility” (Coffey et al., 2009, p434). These two elements (i.e ethical climate, including workload, and risk, including sharing decisions) sit within the middle boxes of the current model and, as per Coffey et al.’s findings, directly effect ethical stress.

According to Coffey et al.'s study, the best part of the job was considered to be building relationships with clients, and, again, in the current model, time to do this (an aspect of workload) was clearly linked to reductions in ethical stress. The ethical climate is, therefore, important in terms of ethical stress, and varies from agency to agency as a result of basic assumptions, via espoused values and finally to the creation of the ethical climate. The ethical climate depends to a large extent on the senior social worker, and the self-perpetuating culture already established within the agency.

The top down effects from Scottish Government, and the power that they have, seem to outweigh any other cultural or value effects. The qualitative data gathered, as discussed in Section 5.2.7, is overwhelmingly concerned with features of the new penology, especially in terms of public protection and risk work taking priority, but also in relation to a 'tick box' and performance indicator driven approach. Although more experienced workers were somewhat uncomfortable with Scottish Government priorities, all workers were very clear that the risk/public protection work must take priority, with welfare and helping work very much secondary. This will be ameliorated to a degree by an ethical climate which supports traditional social work endeavours, but nonetheless is uniform across all the LAs studied.

In conclusion, then, ethical climate impacts on ethical stress and *can* be influenced despite central government control of CJSW. Approach to risk and how the agency works with offenders cannot be significantly influenced internally and will therefore require external impetus to resurrect CJSW's pursuit of social justice and the resultant resurrection of penal-welfare underpinnings. Social work has a long and enduring tradition, however, of

influencing organisational and policy change and this ‘bottom up’ influence from the social work profession may afford some optimism in terms of influencing governmental direction. A reasonable aim would be the promotion of a desistance approach, with central government ‘rolling out’ the approach as the explicit foundation for work with offenders. In this way, the impact of the desistance literature might be significantly strengthened, ethical stress for workers reduced and the pursuit of social justice once again a legitimate aim.

5.4 *Additional Findings*

5.4.1 The Role of the Senior Social Worker

This has been covered in the discussion of the research questions, with discussion based on qualitative data (theme 5 from the data, see Section 4.7, Figure 19), quantitative data in relation to particular questions about autonomy and decision-sharing, and messages from the literature. One of the main implications of this finding is that any culture change, any promotion of desistance and any increase in decision making autonomy for social workers may well have an effect on, and be affected by, the work of senior social workers.

5.4.2 The effect of years of experience

As was discussed in Section 5.2, experienced, older social workers struggled more with the emphasis on risk practices and the dilution of authentic autonomy. Both of these features characterise the ‘new penology’ (Feeley and Simon, 1992), and, thus, it would be logical

to question whether more experienced workers also had difficulty with the other features of the 'new penology', for example the erosion of welfare based work and the promotion of work centrally concerned with manualised programmes and management of offenders. To investigate this further, correlations were undertaken with all four variables in the study and 'years of experience.' Results as shown in Section 4.8, Figures 20 and 21, demonstrate that there were large correlations between all four variables and years of experience (correlations reduced when age was controlled for, but were still valid). In answer to the above question, then, older, more experienced workers were indeed finding current approaches to work with offenders restrictive. Of all the variables, the approach to risk was the one they had the most difficulty with.

There is a clearly emerging picture, then, that more experienced workers object more strongly to the changes brought about by the new penology (Feeley and Simon, 1992). The ethical climates of agencies are influenced by the surrounding political and policy context, and this has changed dramatically over the years, as outlined in Section 2.1. As can be seen from the results of the partial correlations in Figure 21, years of experience alone show correlations with the variables, but far stronger correlations are demonstrated when age is not controlled for (Figure 20). Therefore, older, more experienced workers are the ones for whom the 'new penology' is most problematic. Older workers will have been brought up in a different political era, will have had different educational experiences and may remember more clearly the important political movements and challenges of the last few decades. In terms of years of experience, however, the major changes in CJSW took place in the 1990s when risk and public protection moved centre stage, and welfare work took a back seat. To investigate this further, it would be interesting to ascertain if there was any significant difference in the scores of those subjects who were socialised into CJSW before

the mid 90s and those afterwards, that is, those who ‘learned the ropes’ within a climate of priority welfare work and those who did within a climate of priority public protection/risk. The mid-90s was chosen because around this time, the underpinning ethos of criminal justice social work faced a “recalibration” (McCulloch and McNeill, 2011, p 186) when welfare became less of a priority and offenders were to be challenged about their actions. Their thinking was also to be ‘corrected’ via What Works inspired cognitive behavioural work, and public protection and risk management moved centre stage (McNeill, 2005). As already stated, a cut-off point of 1997 was chosen as the point when many of the new public protection ideas actually played out in CJSW agencies e.g. the overhaul of practice initiated by the Scott Simpson case in Aberdeen (McManus, 1997).

The results, as shown in Section 4.8, demonstrate that there is a statistically significant difference between the groups on all of the variables and, in particular, in relation to risk. Risk aversion is, therefore, once again highlighted the concept with which more experienced, older workers are having the most difficulty. As already stated, older workers were educated in earlier years and grew up within different political contexts, which might well be having a bearing on their perceptions of risk, but, independently from this, their years of experience in CJSW is also having a significant effect (see Section 4.8). This adds weight to the suggestion that *when* a worker was socialised into CJSW is an important factor in how they view things in that, for the more experienced workers, their ‘habitus’ were formed within an environment underpinned by penal-welfare beliefs. Newer workers’ ‘habitus’ were formed within a more risk-dominated, neo-liberal culture. This also resonates with the earlier discussion concerning the power of the socialisation process of new workers. It seems to be that, in terms of changing or perpetuating a culture, the socialisation of new workers is very much key.

More experienced workers, then, will experience a risk averse climate as more stressful than less experienced workers. This suggestion is at odds, however, with earlier studies, as McNeill et al. (2010), in relation to study by Robinson looking at worker adaptation to new, standardised risk assessment tool, state “Robinson’s findings contradict the notion of professional insecurity and ambivalence in this area as the preserve of a small minority of ‘old guard’ officers” (McNeill et al., 2010, p30). The authors go state that Robinson’s findings are supported by a more recent study in Scotland which resulted in several published papers, including McNeill et al. (2009). Reading of Robinson (2003) does indeed demonstrate that workers with a variety of lengths of experience described ambivalent views towards the introduction of a standardised measurement tool for risk assessment: “It was clear that the commitment of many practitioners had waned over time. Indeed.....(it) had become an aspect of practice which was resented” (ibid. p36). In the absence of quantitative data, however, it may be that *more* experienced workers had more difficulty with this, even in a context where all workers experienced difficulty. This information is not given in the study. Drawing a parallel with the current study, respondents experienced slightly less ethical stress than a normal spread would indicate, but *within that spread*, it seems that more experienced workers experienced it more acutely. Within the spread of unhappy workers in Robinson’s study, perhaps the more experienced workers also experienced the frustrations more acutely. Likewise, in the study the reader is directed to by McNeill et al. (2009) which also disputes the notion of the ‘old guard’ workers adapting less. The evidence given is that two workers (workers attached to the example case studies) were relatively newly qualified, that is, “That both cases discussed above involved relatively recently qualified social workers who had been educated both about the emergence of risk and its associated technologies *and* about

criminal justices social work's welfare traditions underlines the durability of the latter influence on the profession and its practice..." (McNeill et al., 2009, p435). Again, this finding does not contradict the findings in the current study. All workers were clear that welfare affiliations are important, and helping with circumstances is legitimate CJSW work, *but* it must take a back seat to "king risk." *This* is what is objected to more strongly by older, more experienced workers.

5.5 Conclusion

The starting point of the conclusion to this Discussion section is the underpinning value base of CJSW. As already explored, said value base should be congruent with the value base of social work more widely and, thus, should be concerned with issues of welfare, helping, building relationships with service users and, ultimately, social justice. Any approach to probation type work in Scotland should connect to those values or will lack clear aims and coherence (and, in fact, appears to do so). It has been suggested that a desistance approach to the work would address this as the connections from the actual practice to the value base are clear. Specifically, a desistance approach recognises, and tries to help with, "the appalling reality" of service users lives (Gregory, 2010, p 2280). Herein lies the absolute fundamental requirement that social workers also explicitly understand their commitment to social justice. If workers see offenders simply as rational actors who 'should' be making law-abiding and sensible choices, then very narrow, correctional, individualised practice may well ensue because the rational actor is viewed as

a person “in need of correction, re-moralising and as a neutral receptor of correct, normative information” (Kemshall, 2010, p 1249). Kemshall further points out that a person is actually a “social actor.....mediating social and personal constraints on their choices, and acting prudently within a situated rationality in which options to act otherwise can be severely limited by structural constraints and lack of power” (ibid, p1249). This, therefore, requires an understanding of the service user’s life in terms of growing up, opportunities (or lack of) and current context and constraints, which takes relationship building, a care approach, empathy and understanding, as already explored in Sections 2.2 and 2.3. It also requires motivation to work in partnership with the service user to attempt to affect positive changes in their circumstances. The social worker should be involved in trying to alleviate some of the hardship of the “appalling reality” of the service user’s life (Gregory, 2010, p2280). A desistance approach to working with offenders would facilitate all of the above.

The discussion of the results attempted to illuminate, based on the results of the data collection, whether social workers were doing this in CJSW, and/or whether they suffered any ethical stress as a result of not being able to do so. The results demonstrate that the level of ethical stress experienced by workers is directly affected by the agency’s approach to risk and the ethical climate of the agency, but not directly by the approach to working with offenders. Workers felt that the approach to working with offenders allows for the priority public protection work to be done, and that they could choose to be involved in helping, desistance work if workload and ethical climate allows/encourages it. Workers were very clear that the risk and public protection work is priority (and this is also the clear direction from the Scottish Government (2010)). Workers (newer workers in particular), view the inability to do the welfare, desistance work as a practical rather than an ethical

problem. And yet, thinking about the links to social work values, it should be experienced as an ethical difficulty for workers.

Kosny and Eakin (2008) illustrated well how value/behaviour congruence played out in agencies working with socially excluded and sometimes offending service users. One of the key messages in regards to achieving value/behaviour congruence was that the workers had a real sense of social justice. They viewed the service users as victims of an unjust society and, as such, were truly motivated to work with them as well as on their behalf. This brings the discussion back to Section 2.2, and begs the question ‘is there any way, that offenders can be viewed as any kind of victim in our neo-liberal society?’ Furthermore, in a service where protecting the public from risky ‘others’ is the priority, how much more difficult is it to hold to a view of social justice. As stated in Section 5.3.2, NOAS (Scottish Government, 2010) discusses social justice in terms of the public receiving social justice *from* offenders. There is nothing which mentions social justice *for* offenders. As Duckett and Schinkel (2008) point out, the disadvantaged poor in our society are the most likely to be sent to prison, and “are forced to make their choices under constrained circumstances” (Duckett and Schinkel, 2008, p521), which resonates with Kemshall’s point above. Workers in CJSW need not only to understand, but to believe in, the above commitment to social justice and it would seem that whether newer, less experienced workers have this commitment is seriously questionable. A commitment to social justice seems to have been eclipsed in the mid-90s with the significant rise in public protection/risk work, and is exacerbated by messages about offenders in our neo-liberal culture (see Section 2.3).

Returning to Diagram 8, it can be seen that the effects of the underlying value assumptions directly impact on the ethical climate of the agency which, in turn directly impacts on

worker experience of ethical stress and how the agency approaches work. Ethical climate is characterised by how the underlying values play out in the elements of the culture that people actually experience. The more the ethical climate moves away from a concern with values, the more workers experience stress and the more restrictive and procedural the work becomes. Workers (including newer workers) still retain a belief and commitment to social work values in some form, and comments were made about feeling frustrated when they could not help or get to know offenders in the way they want to. As already stated, only two comments were made which alluded in any way to issues of social justice and even those are more concerned with the help required to respond individually and practically to the consequences of social injustice, rather than to the causes themselves:

“I experience stress when I can’t help or respond to clients – usually only when resources are not available”

And

“I feel I can’t help my clients with issues outwith my control i.e. usually housing, employment etc. which can be frustrating”

It would seem, therefore, that workers understand the personal-interaction-type values (respect, empathy, relationships), but do not take much cognisance of wider social justice matters. Preston-Shoot (2011) suggested that there was legitimacy to be found in the distancing language and procedural approach of contemporary agencies. This can mean that workers do not have to engage properly with ethical issues and that an agency culture can “limit social workers to narrow interpersonal issues unrelated to (oppressive) social and policy contexts” (Preston-Shoot, 2011, p188). This appears to be exactly what is happening. Workers understand interpersonal value issues (and feel ethical stress when

behaviour based on these values is frustrated), but do not relate these issues to a wider understanding of, and commitment to, social justice. Lafrance (2004) found similar issues as already discussed.

The top down, governmental influences depicted in Diagram 8, appear to be experienced by workers as extremely powerful. This is demonstrated in their quite startling clarity and consistent responses in regards to public protection work taking priority. It also suggests, however, that the power of these messages from the government are such that any move towards the undiluted adoption of a desistance approach would have to be not just supported by, but promoted by, the government. The social work profession, however, might have an influence upon the government to this end.

Looking at the horizontal connections in Diagram 8, it can be seen that ethical climate (supervision, workload issues, values discussion and decision making) and the agency approach to risk are central to both the experience of workers (in terms of ethical stress) and to the experience of service users (in terms of the approach taken to work with them). The role of the senior social worker in all of the contributory relationships in the diagram is extremely important as discussed earlier. A consequence of this, recognised by NOMS (2012a), is that senior social workers must be involved in any attempt to change the culture as their influence and role in mediation between worker and organisation, supervision and acculturation of new workers is crucial.

Finally, the difference between the perceptions of older, more experience workers and newer, younger workers is a very significant finding. Pessimistically, it might mean that motivation for social work, as a service, to support a drive towards reconnection with its

social justice roots and values will lessen as more older workers leave. This is a very important area for further research, not just in CJSW, but in contemporary social work more widely.

6 Conclusion

This section will give an overview of the main points from each section, including the main findings and themes from the research. The meaning and possible implications of the findings and themes will then be discussed. Finally, areas for future research will be identified.

Section 1, the introduction to the thesis explained the origins of my interest in the topic. It also then explained the layout of the thesis, briefly covering what the reader would find in each of the sections. Section, 2, the literature review, covered the history of CJSW, the concept of ‘disjuncture’ and anxiety and risk within CJSW agencies. It was suggested that contemporary CJSW is a context within which disjuncture might flourish, mainly due to the conflict between the parallel emphasis on public protection/risk management/accountability measures and erosion of traditional welfare and helping work, and the value base of CJSW which is shared with the value base of social work more widely. The desistance literature was explored as an approach to work with offenders which should reduce disjuncture. Four particular variables were drawn from the literature which, it was suggested, would affect social workers’ experience of disjuncture. The four variables were ‘agency approach to risk,’ ‘how we work with offenders,’ ‘ontological anxiety/guilt’ and ‘ethical climate.’ Also, it was suggested that these variables would vary from LA to LA due to differences in culture and values between LAs. The aim of the research, to construct a model of the influences upon disjuncture in CJSW, was iterated. Section 3, the methodology, began with the identification of two research questions as follows:

Does each of the independent variables contribute uniquely and significantly to workers' reports of disjuncture? And

Do different local authority (LA) settings produce different scores for the variables.

Section 3 then gave the rationale for adopting positivist and interpretivist approaches to the research, and the selection of a within-stage mixed model study design (questionnaires including Likert-type questions and questions requiring free text answers). The epistemology therefore included both empirical, positivist knowledge and qualitative, interpretivist knowledge. The questionnaire design was fully explored, and reliability and validity demonstrated. It was then distributed to 240 criminal justice social workers, across four LAs. A usable sample of 100 questionnaires was returned. Section 4 gave the results of the research, and included the creation of a new variable called 'ethical stress'. Ethical stress was created by combining the two 'internal state' variables, namely 'disjuncture' and 'ontological anxiety/guilt.' The resultant connections between variables can be summarised as follows:

1. A significant, contributory and reciprocal relationship between 'approach to risk' and 'ethical stress.'
2. A significant, contributory and reciprocal relationship between 'ethical climate' and 'ethical stress.'
3. No significant relationship between 'how we work with offenders' and 'ethical stress.'
4. Significant, contributory and reciprocal relationships between 'risk' and 'ethical climate,' and 'how we work with offenders.'

It was also demonstrated in Section 4 that, in answer to research question 2, ‘ethical stress’ and ‘ethical climate’ varied from LA to LA, but ‘how we work with offenders’ and ‘agency approach to risk’ did not. Additionally, the analysis of the qualitative data was given in Section 4, with the seven main themes from the comments being identified. Finally, Section 4 gave details of an additional finding: the significant effect of years of experience and age on scores for all of the variables. Significant differences on all variables were also found when two groups of workers were compared; social workers socialised into CJSW pre-public protection/risk prioritisation, and social workers socialised into CJSW post-public protection/risk prioritisation.

Section 5 discussed all of the results in turn. In summary, the discussion was concerned with the following:

The more risk averse an agency is perceived to be, the more ethical stress a worker will feel. Within this finding, however, it was ascertained that older, more experienced workers perceived higher levels of risk aversion and desired more autonomy than younger, less experienced workers. The latter group was happy to share decision making and responsibility with flexible senior social workers. The sample overall were clear that they did not want more autonomy, and given that older social workers are unhappy with the erosion of autonomy, then younger, less experienced workers were clearly more emphatic in their lack of desire for more autonomy.

The less ‘value friendly’ the ethical climate is perceived to be, the more ethical stress will be experienced by workers. Workload was included as an element of the ethical climate and there appeared to be an interplay between how much priority is given to technical, risk

assessment and management work and the amount of work social workers have. When workloads are heavy, social workers only have time for the risk assessment, public protection work, and welfare and helping concerns are undermined. There was a startling clarity in workers' agreement that public protection is the absolute priority of their work. This is reinforced by the Scottish Government and is explicit within NOAS (Scottish Government, 2010). Another factor in how much welfare work was done, was worker inclination. It emerged from the results that if the priority work was done, no one would be very perturbed if the welfare work was not. There was also evidence from previous studies that workers were abandoning their welfare affiliations to gain status in the eyes of the legal professionals they worked alongside, and so, once again, welfare and helping work was eroded. Supervision, another element of ethical climate, is also important to workers' experience of ethical stress. Space for discussion of value dilemmas and reflection is crucial.

Older, more experienced workers, whose 'habitués' (McNeill et al., 2010) were formed within a clear penal-welfare framework, struggle significantly more than their younger, less experienced peers with the prioritisation of risk, with decreased autonomy and with the focus on accountability measures. They, in fact, struggle more with all of the features of the 'new penology' (Feeley and Simon, 1992). This finding is at odds with what previous studies appear to have shown. However, closer reading of those studies, and the absence of quantitative data, means that the same division between workers of different ages and experience may still have been going on, just not identified nor uncovered by the particular methods used.

Senior social workers appear to be mediating in many parts of the model, including creating an ethical climate in line with the wider LA CJSW department (via supervision, the socialisation of new workers and how much welfare work is identified as a legitimate aim and encouraged or frowned upon), impacting upon the kind of work done with service users in day to day practice and, most importantly, sharing decisions with workers in regards to deviating from set procedures in order to respond responsively to service users. Returning to Diagram 8 (reproduced below), the place of the senior social work within several of the key relationships between parts of the model, is clearly demonstrated.

‘Ethical climate’ and ‘ethical stress’ varied from LA to LA. The influence of ‘basic underlying assumptions’ (Schein, 2010) upon the ethical climate was investigated and the suggestion was made that an underlying belief in traditional social work values (congruent with a penal-welfare approach) will be mediated via a senior to create a ‘value friendly’ culture. An underlying basic assumption based on neo-liberal thinking about offenders as purely “rational actors” making free choices (regardless of oppression or lack of opportunity) (Duckett and Schinkel, 2008), will lead to a restrictive, managerial ethical climate concerned with management of a perceived risky population (congruent with the ‘new penology’). The ‘double marginalisation’ of CJSW (McNeill et al., 2010) means that whichever climate is produced, it is likely to self perpetuate due its separation from the legal world of the courts and from the rest of the social work department. The potential for such a culture to vary between LAs is quite clear.

‘How we work with offenders’ and ‘approach to risk’ did not vary between LAs and is illuminated by the very obvious clarity from respondents about public protection/risk work being the priority. The influence of the Scottish Government, enshrined in policy (NOAS,

Scottish Government, 2010), is clearly extremely powerful. Although 'ethical climate' mediates between 'how we work with offenders' and 'ethical stress,' and thus makes work practices more meaningful and/or tolerable, the actual practice of working with offenders does not vary no matter where a social worker works. 'Approach to risk' also follows this pattern.

Although workers, hearteningly, felt frustration and ethical stress when risk aversion and value-unfriendly ethical climates meant they could not base their practice upon their values, they defined values quite narrowly in terms of individual-level, personal values expressed in the one-to-one work done. There was minimal reference to social justice issues, which simply did not appear to feature in the respondents views of the work done with offenders. And yet, the IFSW (2012) clearly states that social workers must be concerned with issues of social justice. Preston-Shoot (2011), suggests that the culture of an agency can "limit social workers to narrow interpersonal issues unrelated to (oppressive) social and policy contexts" (Preston-Shoot, 2011, p188) and this appears to be exactly what is happening.

What do these findings mean, then, for the future of CJSW? There is scope for reasonable optimism in that most workers state they want to engage in relationship based, helping work with offenders, as per the desistance literature, if only they had more space and time to do so. The results show that they experience ethical stress when their desire to do this is thwarted. Gregory (2010) also found that the probation workers in her study were very clear indeed that relationships with service users were at the very heart of their practice. Two issues, however, have emerged which may be cause for less optimism. One is that much of the service a service user receives depends upon the individual inclination and

motivation of the social worker as well as upon a culture which encourages desistance, welfare based work. The reasons why a social worker might choose not to become involved in welfare work have been covered in terms of status seeking with associated legal professionals, lack of external interest or audit in regards to undertaking the welfare work and the overwhelming preoccupation with risk and public protection work. Another element, however, might be how much individual workers themselves believe in a commitment to social justice (regardless of the fact that they *should*) which would have a direct effect on whether they would choose to undertake welfare work or not. There was a striking lack of reference to matters of social justice in the results. Lafrance (2004) and Preston-Shoot (2011) have both discussed the phenomena of social work struggling to retain its commitment to social justice, and the findings in the current study echo these concerns. A robust social justice commitment would be consonant with a robust objection to the features of the ‘new penology’ (Feeley and Simon, 1992). As older, more experienced workers objected to those features (for example, emphasis on risk management, reliance on technicist tools and procedures, lack of involvement in relationships or personal change and reduced autonomy) significantly more than younger, less experienced workers, it can be reasonably suggested that the older, more experienced workers are likely to be those with stronger social justice awareness and commitment, although even that commitment may not be particularly strong, given the lack of comment about social justice across the sample (although comments objecting to features of the ‘new penology’ were made; third theme from the qualitative data, see Figure 19). The lack of direct comment about social justice, however, calls into question the assertion that there is “durability” of CJSW’s welfare traditions (McNeill et al., 2010, p38) and that “the eclipse of welfarism might require the passage of considerable time, or some more violent rupture in the development of the profession” (ibid.). From the results of the current study,

it would seem that once the older, more experienced workers leave the profession and more newer workers join, the commitment to social justice and welfare and the objection to the features of the ‘new penology’ within CJSW as a whole, will probably reduce quite significantly. Whether this will take ‘considerable time’ is questionable, and whether a ‘violent rupture’ is required at all, is seriously questionable. It is interesting at this point to look at the *SSSC Codes of Practice* (SSSC, 2009). The codes state that social workers have a duty to “protect the rights and promote the interests of service users and carers” (SSSC, 2009, p 22), but do not refer, any more explicitly, to any issues of social justice. They require social workers not to practice in discriminatory way, and not to accept discriminatory practice from others, but *do not* require that workers challenge oppression more widely nor do they make any reference to societal discrimination or disadvantage. The focus in the codes, therefore, also appears to highlight values pertaining to the individual level of practice; the values important in inter-personal work rather than the values concerned with social justice. This mirrors exactly the values emphasised by the respondents in the study. It is therefore unsurprising that there is an erosion of the focus on social justice, and, as the codes apply to all of social work in Scotland, not just CJSW, might this be a phenomenon in social work more widely?

In conclusion then, if things are to change, and if CJSW is to become a setting where a desistance approach to work with offenders can flourish, the suggestion is that the message must come from central government. Desistance work must be promoted by a powerful and undiluted message from the government that this is the core approach to working with offenders. In order to facilitate this, workers would need to believe that the autonomy required to engage in the work and the anxiety produced as a result, would be fully supported by their LA agency and by government. Therefore, there would need to be an

explicit acknowledgement of this support and a real engagement with workers, including hearing their concerns. Such a culture change would also need to take cognisance of the centrality of the senior social worker and would need to resurrect a welfare, helping, caring and social justice informed value base as the reference point for CJSW. The finding discussed earlier, that social workers take discretionary decisions to seniors to share (or avoid?) the responsibility, would need to be comprehensively investigated and considered in any change process, otherwise more autonomy and discretion for social workers might play out in practice as more autonomy, discretion and responsibility for senior social workers. If a desistance approach was promoted, taking into account all of the above caveats, then it could be suggested that ethical stress for workers might be markedly reduced. Considering Diagram 8, it can be seen that ‘how we work with offenders’ would be strongly influenced by messages about desistance from the government. The ‘ethical climate’ would then be affected by ‘how we work with offenders,’ including elements such as the nature of values discussion, supervision, less reliance on technical procedures and less accountability and blame concerns. Workloads might still be excessive, but desistance work would become more of a priority, comparable with public protection and risk work, and therefore would have a higher profile. ‘Ethical climate’ would also be influenced by an explicit acknowledgement and resurrection of a penal-welfare, social work value base and belief in social justice (underlying basic assumptions). ‘Risk’ approaches would be revised in line with a desistance approach (messages from government; vertical influence) and would be influenced by a more responsive, desistance approach (horizontal influence). Finally, both ‘risk’ and ‘ethical climate’ would, positively, influence workers’ experience of ethical stress.

Finally, some suggestions for future research are:

To what extent have CJSW workers absorbed neo-liberal, underlying value assumptions (including a certainty and belief in tools and procedures and a belief in the ‘management of’ as opposed to ‘working with,’ offenders)?

Is there a diluted commitment to social justice from less experienced social workers in social work as a whole? Is there a diluted commitment to social justice from students entering the profession? Does the current teaching on social justice within HEIs impact upon students? Does the socialisation of newly qualified social workers into the workplace impact upon their social justice beliefs?

What are senior social workers’ views about the finding that social workers share discretionary decisions with them and eschew the idea that, in the current climate, they should have more autonomy? What is the importance of the SSW role more broadly? What effect does team culture have?

How would workers feel about an increase in authentic autonomy?

The final thought from this reasonably large study of criminal justice social workers, is that the active involvement of government in promoting and supporting the implementation of a desistance approach is absolutely crucial. It can be suggested that without governmental engagement, and a simultaneous governmental commitment to broad social work values, CJSW will continue to be increasingly characterised by a ‘new penology’ and will look increasingly unlike a setting within which qualified social workers are required to do the job.

7 References

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8 Appendix 1: request for ethical approval

University of Dundee Research Ethics Committee (UREC)

Standard Operating Procedures for all researchers

8.1.1.1 Constitution of the Committee

The Committee is based on the existing Psychology Ethics Committee, and comprises six members of staff from that School (from 1 October 2004: Professor Trevor Harley (Chair), Dr Ronni Greenwood, Professor Alan Kennedy, Dr Emese Nagy, Dr Astrid Schloerscheidt, Dr Roger van Gompel, and Dr Peter Willatts). The Committee comprises three additional representatives, one from the School of Education and Social Work (Dr Elaine Smith), one from the School of Nursing & Midwifery (Dr John Drummond), and one from the School of Computing (Dr Annalu Waller). The lay member is Mrs. Elizabeth Melville. The Committee reports annually to and is appointed by the University of Dundee Research Committee. The Committee operates a joint auditing process with the University of Abertay.

8.1.1.2 Remit of the Committee

The remit is to make recommendations and to provide feedback on the ethical appropriateness of research projects. *Some* aspects of design may be relevant to ethical considerations (e.g. research should not be so poorly designed as to guarantee meaningless results, thereby wasting participants' time). Note that any research involving the collection of human biological samples or data from NHS patients who are included by virtue of their being patients, or their carers, *must* be approved by the Tayside University Hospitals Trust Ethics Local Research Ethics Committee (LREC).

Note also that ethical approval may not in itself be a sufficient precondition for carrying out the research (e.g. the research might need clearance from Disclosure Scotland, or approval of local education authorities, parents, and teachers, or some other body; contact Dr Peter Willatts in the School of Psychology, p.willatts@dundee.ac.uk, for advice); such conditions are outside the remit of the committee. You must also ensure that you carry out any necessary risk assessment, and you must abide by all appropriate safety regulations. (Contact the University Safety Officer for advice.) You are also responsible for ensuring that your research complies with the Data Protection regulations. If your data are stored in any way such that the data can be linked to an identifiable individual (e.g. by name or by code) then the data must be registered by filling out the form at <http://www.dundee.ac.uk/recordsmanagement/dataprotection/pro-forma.htm>.

8.1.1.2.1 Application Procedure

All research involving collecting data from humans must be approved by the Committee before data collection commences; “research” includes experimental work, questionnaires, and face-to-face, telephone, and Internet surveys. You must read and follow the University of Dundee *Code of Practice for Research on Human Participants*.

Research carried out by **undergraduate students and taught Masters** must have appropriate ethical approval. This approval will be dealt with by another mechanism, normally at the school or college level (details will be supplied by your college). **Academic staff, researchers and postgraduate (research) students** are responsible for producing their applications to the University Committee.

All applications for ethical approval from the UREC must be submitted to Mrs Liz Evans in the School of Psychology General Office (e.evans@dundee.ac.uk) using the attached form, *both* as a hard and an electronic copy. Incomplete applications will be returned. Note that in many cases it is possible to seek generic approval for a methodology, although any subsequent significant changes in methodology will necessitate fresh approval. Copies of sample informed

consent and participant information sheet templates are also attached. An ethics application should consist of:

- The attached Ethical Approval Form, completed and signed
- The Informed Consent Form (or alternative means of establishing informed consent if written consent is not appropriate - e.g. if the participants have restricted literacy)
- The Participant Information Sheet (which must be distinct from the consent form)
- If necessary you will also need to produce a debriefing Information Sheet to give participants after the research is complete (e.g. if the research involves any sort of deception).
- Any supporting documentation required (e.g. grant applications, a copy of any questionnaire, any covering letters; see form below)

8.1.1.2.2 Approval

There are three routes to possible approval, depending on the responses on the form.

1. *If any of the answers to Questions 10-12 is “Yes” then the proposal will be referred to the full Committee. Note that research involving any form of deception are particularly problematical, and a full explanation of why deceit is necessary, why there are no acceptable alternative approaches not involving deceit, and the scientific justification for deceit must be provided in a covering letter.*
2. *If any of the answers to Questions 1-9 is “No”, but the researcher still considers the research to be ethically non-problematical, the researcher must write a covering letter explaining the answers and explaining why there are no ethical difficulties. The Chair may then approve the proposal by Chair’s action, or may decide to refer it to the Committee.*
3. *If the answers to Questions 1-8 on the form are all “Yes” or “Not applicable”, and the answers to Questions 9-11 are all “No” or “Not applicable”, then the Chair of the Committee will usually approve the proposal on Chair’s Action.*

At least three members of the Committee (including the Chair) will read any proposal referred to the full committee. The Committee provides written comments on the application. The Chair of the Committee makes the final decision based upon the

Committee's comments. The applicant is informed in writing or by email of the decision, and given any feedback. The decision is one of:

1. Accept without conditions
2. Accept with conditions
3. Recommend submission to another committee (e.g. Tayside NHS LREC)
4. Revise and resubmit (with conditions)
5. Reject (with reasons)

We aim to provide a decision in three weeks from submission during semester time. If the decision is *accept with conditions*, you must write to the Chair of the Committee explaining how those conditions will be met. You must notify the Chair of the Committee of any subsequent deviations from the agreed protocol. Note that the University may audit projects to ensure that ethical standards are being maintained. You should keep and file your email confirming Ethical Approval. When the research is complete you should provide a brief report noting any complaints or ethical issues that may have arisen while carrying out the research. (For taught students an electronic copy of the final project is acceptable.)

All researchers must abide by the University of Dundee's *Code of Practice for Research on Human Participants*, as well as the guidelines of any other relevant body; for example that of the British Psychological Society (on whose form ours is loosely based; see *The BPS Ethical Guidelines: Guidelines for minimum standards of ethical approval in psychological research* (July 2004)).

Professor Trevor Harley

Chair, University of Dundee Research Ethics Committee

UREC v. 1.9, 15 December 2006

Checklist of common errors

These are some of the most common reasons why we have to return ethics applications for resubmission. You will improve your chances of success if you check your application against this list. Please make sure:

You have answered all questions on the form.

You have appended your Participant Information Sheet(s), Informed Consent Form, and Debriefing Form, and that these are all clearly labelled.

Any additional description or summary of the Project is clearly labelled and differentiated from the other forms.

You have run the information sheet and consent form through a spell checker.

The consent form should be separable from the information sheet so that the participants can retain the information sheet.

If you are making audio or visual recordings that you have said where the tapes will be stored and how long they will be kept before they are destroyed.

If making recordings you must make clear that you will inform the participants and obtain their consent beforehand.

You have included a copy of your questionnaire, and the lead questions if you are using a structured interview.

If your study involves deception this automatically raises an ethical concern, so you should tick box B on the form. You must show how your debriefing will explain the deception.

If your experiment involves deception you must provide participants with an opportunity to withdraw their data after debriefing.

You have provided an estimate of the planned sample size.

You have specified your participant population and how you will recruit from them.

You have said where testing will happen.

9 UNIVERSITY OF DUNDEE UNIVERSITY RESEARCH ETHICS COMMITTEE

APPROVAL FORM

Title of project: **'Disjuncture' in Criminal Justice Social Work**
 Name of lead Investigator, School (or equivalent), Status (e.g. staff, student): **Jane Fenton**
 Other Academic Staff involved (e.g. supervisor, co-researchers): **Tim Kelly (supervisor)**
 E-mail address: **j.fenton@dundee.ac.uk**
 Date: **28.7.11.** UREC Ref no. (LEAVE BLANK):

		YES	NO	N/A
1	Will you describe the main procedures to participants in advance so that they are informed about what to expect in your study?	X		
2	Will you tell participants that their participation is voluntary?	X		
3	Will your participants be able to read and understand the participant information sheet?	X		
4	Will you obtain written informed consent for participation?			X
5	If the research is observational, will you ask participants for their consent to being observed?			X
6	Will you tell participants that they may withdraw from the research at any time without penalty and for any reason?	X		
7	With questionnaires, will you give participants the option of omitting questions they do not want to answer?	X		
8	Will you tell participants that their data will be treated with full confidentiality and that, if published, it will not be identifiable as theirs?	X		
9	Will you give participants a brief explanation of the purpose of the study at the end of their participation in it, and answer any questions?	X		
10	Will your project involve deliberately misleading participants in any way?		X	

11	Is there any realistic risk of any participants experiencing either physical or psychological distress or discomfort? If Yes, give details on a separate sheet and state what you will tell them to do if they should experience any problems (e.g. who they can contact for help).			X	
12	<p>Do participants fall into any of the following special groups?</p> <p>If YES please specify disability.</p> <p>Note that you may also need to obtain satisfactory Disclosure Scotland (or equivalent) clearance.</p>	Children (under 18 years of age)		X	
Children under 5 years of age					
Pregnant women					
Participants studied with respect to contraception or conception					
People with disability (e.g. learning or communication difficulties)					
People in custody					
People engaged in illegal activities (e.g. drug-taking)					
Non-human animals					
Patients					
More than 5000 participants					

Please tick **either** Box A **or** Box B below and provide any details required in support of your application. If you ticked NO to any of Q1-9 or YES to any of Q10-12 then you must tick Box B.

A. I consider that this project has no significant ethical implications to be brought before the University Research Ethics Committee.

State the purpose of the research. Give a brief description of participants and procedure (including the planned sample size and methods and tests used). This description must make clear what participants are expected to do. You must also make clear how data (e.g. video tapes) will be kept confidential and secure. Note that this description will be read by non-specialists and must be readily comprehensible by a lay person.

You must attach intended information and consent forms and copies of any questionnaires you plan to use.

The purpose of my research is to identify via questionnaires whether social workers in 4 different statutory Criminal Justice Social Work agencies ever experience 'disjuncture' (a feeling of stress generated when value beliefs and behaviour are in conflict) and to what extent this is related to certain key features of the agency's culture.

Permission will be obtained from the relevant person within the council or within the Community Justice Authority (depending on who holds responsibility for this) and the questionnaires will then be distributed to all qualified social workers within the agency via an online, secure system (Bristol online). The questionnaire will be fronted by an information sheet and an option to 'click to continue' if the worker

wishes to take part. It is clear in the information sheet (attached as part of the word version of the questionnaire) that participation is voluntary. At the end of the questionnaire, participants will be asked whether they would be happy to take part in a focus group. Focus groups will be audio recorded. All data and audio files will be password protected and housed on secure university servers for a maximum of 10 years.

I am approaching 2 urban agencies and 2 rural agencies, and hope to distribute my questionnaire to all qualified workers. A word document version of the questionnaire is attached, and has also gone out to a group of criminal justice social work experts who are checking further for face validity. Depending upon their feedback, some questions may change, and if this happens, I will forward the final version to you as soon as it is available.

B. I consider that this project may have ethical implications that should be brought before the Ethics Committee.

Please provide all the further information listed below in a separate attachment. Note that this description will be read by non-specialists and must be readily comprehensible by a lay person.

1. Title of project.
2. Purpose of project and its academic rationale.
3. Brief description of methods and measurements and how data will be stored.
4. Participants: recruitment methods, number, age, gender, exclusion/inclusion criteria.
5. Consent and participant information arrangements, debriefing.
6. A clear statement of the ethical considerations raised by the project and how you intend to deal with them.
7. Estimated start date and duration of project.

I am familiar with the University of Dundee *Code of Practice for Research on Human Participants*, and have discussed them with the other researchers involved in the project. I confirm that my research abides by these guidelines.

Signed Jane Fenton..... Print Name Jane Fenton Date
30.9.11.....
(Lead Investigator)

There is an obligation on the lead researcher to bring to the attention of the Ethics Committee any issues with ethical implications not covered by the above checklist.

UREC v. 1.9, 15 December 2006

9 Appendix 2: ethical approval granted

Dear Jane,

Thank you for sending us the final version of your questionnaire. I've reviewed your application, and have no ethical concerns. I can therefore deal with it by Chair's Action. There are a few things to change, and some additional information I need.

1. The information provided at the beginning of the questionnaire is very clear, and the arrangements for obtaining 'consent by participation' are acceptable. The involvement of participants who do not wish to take part in a focus group and do not give their email address will be completely anonymous.
2. You will need a Participant Information Sheet (PIS) and Consent Form for participants who take part in the focus group. The PIS should explain the aims of the research, and give details of the location and duration of the focus group. You also need to give some general indication of the questions to be discussed, and provide information about confidentiality and termination of participation etc.
3. In the Participant Information Sheet (PIS), you need to inform Participants that an audio recording will be made of the Focus Group. If a participant doesn't agree to the audio recording, can he or she still take part, with you making written notes? If the audio recording is a requirement, then you should say this in the PIS. Something like the following wording would do: "If you do not agree to the audio recording, then you cannot take part in the focus group."
4. In the Consent Form, add a line for participants to consent to the audio recording. Some wording like the following would be suitable: 'I agree to the audio recording of the interview YES NO (please delete as appropriate).'
5. Please send a list of questions to be discussed by the focus group.

Please send the revised documents and your answers to these queries in an email directly to me.

With best wishes,

Peter Willatts
Chair, University Research Ethics Committee

.....
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The University of Dundee is a registered Scottish charity, No: SC015096

NB: Points made in regard to the planned focus groups are not relevant as the methodology changed to a within-stage mixed methods design. Focus groups were not held.

10 Appendix 3: questionnaire

Disjuncture in Criminal Justice Social Work Survey

Welcome

Welcome to the Survey for the research project entitled, '**Disjuncture**' in criminal justice social work.

The survey is completed confidentially and takes around 15 minutes to complete.

When you click the CONTINUE button at the bottom of the page you will be shown an Information Sheet. You should read the information and then indicate that you agree to participate if you wish to continue on to the survey.

Participant information and consent

I am interested in exploring the place of values in criminal justice social work. The field has changed quite dramatically over the past 20 years, with public protection and risk management taking a much more central position in the work done. What I want to explore is; do social workers ever feel that they cannot base their practice on their values? Also, when values and expected work behaviour are at odds, do workers ever feel 'disjuncture' i.e. ethical stress or negative feelings associated with this conflict?

From the literature, I have identified four main question areas based on what seems to be the main factors which could contribute to feelings of disjuncture, and have drawn a set of questions from each of them.

I really hope you will be able to help me to investigate this unexplored area in order to ascertain: do workers experience disjuncture; and if they do, why? These questions form the basis of my Phd study.

What will I be asked to do if I agree to participate?

You will be asked to complete a secure, online questionnaire. It will take about 15 minutes to complete.

At the end of the questionnaire, you will be asked if you would be happy to be contacted to take part in a focus group about the same subject. You do not have to do so. Focus groups will last for approximately an hour and will be held at or near your place of work.

How confidential is the information I give?

The information you give will be kept entirely confidential. The questionnaire is completed anonymously and agency names will not be given in any write up of the findings. No names of individuals will be disclosed at any time. If you give your email address as someone interested in taking part in a focus group, only I, as the researcher, will be aware of your answers to the questions. If you do wish to take part in a focus group, I will contact you via email.

Focus groups will be audio recorded, but, again, will only be heard and analysed by the researcher. Once again, no names will be used. All recordings and questionnaires will be stored securely and in line with the Data Protection Act and university ethics arrangements.

Do I have to take part?

No. Participation is entirely voluntary and you can opt out at any time.

Who are the researchers?

I am the only researcher involved and will be the only person analysing the findings. Completely anonymised data and analysis might be checked for accuracy by my Phd supervisor, Professor Tim Kelly, University of Dundee.

What will you do with the research?

The research project will be written up as part of my Phd thesis. I will also attempt to publish the findings in academic and professional journals which might impact in some way on the development of criminal justice social work.

Who should I contact with any questions I might have?

Please feel free to contact me at j.fenton@dundee.ac.uk

Who should I contact if I have any concerns or complaints?

In that instance, you should contact Professor Tim Kelly at t.b.kelly@dundee.ac.uk

CONSENT

If you give your consent to participate in this survey, please click CONTINUE. If you do not, please close down the survey now. Many thanks.

Questions are **mandatory** unless marked otherwise.

Note that once you have clicked on the CONTINUE button your answers are submitted and you can not return to review or amend that page.

Introductory questions about you

1. Which local authority do you work in?

2. Are you male or female?

3. What age are you?

4. What year did you qualify as a social worker?

5. How many years experience do you have in CJSW?

6. What type of work do you do? Tick all that apply.
(select all that apply)

Questions about how your agency approaches work with offenders

Please check one answer per question. There is a box for free text at the end of the section where you can clarify any of your answers if you want to.

7.

	strongly agree	agree	neutral	disagree	strongly disagree
a. We work with offenders mainly via set programmes of work (usually from a manual or via prescribed sessions)					
b. I am encouraged by my agency to really get to know the offender and to build a relationship with them					
c. My agency allows me the autonomy to help people with their own individual problems					
d. My agency promotes a desistance approach to work with offenders i.e. building a relationship, supporting the offenders own endeavour to stop offending					

etc.					
e. I have autonomy to work with offenders on the things they feel are important to them (welfare as well as 'criminogenic')					
f. I am able to do 'helping' and welfare work explicitly					
g. I am only able to do 'helping' and welfare work quietly and discreetly					
h. My agency supports the belief that helping my clients is legitimate as an end in itself					
i. My agency supports the belief that helping offenders is only legitimate as a component of reducing offending					
j. My agency is concerned with doing things 'to' clients to stop them offending, rather than					

working 'with' them.					
k. As an agency, we give importance to social capital (ie clients' links and bonds with the community and other people)					
l. As an agency, we are more concerned with risk management than issues of welfare					
m. My agency is more concerned with public protection than with the welfare of the client					
n. Helping with welfare problems (even if not directly criminogenic) is core to the agency's work					
o. My agency really encourages me to empathise with the clients I am working with					
p. I have the opportunities to get to know my clients well enough to really understand them					

q. Understanding things from my client's point of view is seen as irrelevant by my agency					
r. My agency encourages me to try to get to know the social network surrounding my clients					
s. My agency encourages me to engage with clients' families as a matter of course					
t. My agency encourages me to care about the clients I work with					

8. Is there anything you would like to clarify about your answers to this section's questions? *(Optional)*

Questions about the culture of the agency

Please check one answer per question. There is a box for free text at the end of the section where you can clarify any of your answers if you want to.

9.

	strongly agree	agree	neutral	disagree	strongly disagree
a. Supervision is mainly about following procedures and					

meeting key performance indicators					
b. Supervision allows me time and space to discuss my work, including issues of values					
c. In my workplace, discussion of values and ethics is encouraged					
d. In my workplace, values are seen as having an important place in decision making					
e. I would describe the culture of my agency as responsive to service users' needs					
f. I would describe the culture of my agency as procedurally driven					
g. Management in my agency impose new procedures on us without consultation					

h. Staff are involved in any changes proposed to the working practices of the agency					
i. I would describe the culture of the agency as 'managerial'					
j. My workload is such that it impacts on the time I have to work with service-users in the way I want					
k. Management recognises that workloads need to be at a level that allows time for thorough work with service-users to be done					

10. Is there anything you would like to clarify about your answers to this section's questions? (*Optional*)

Questions about risk

Please check one answer per question. There is a box for free text at the end of the section where you can clarify any of your answers if you want to.

11.

	strongly agree	agree	neutral	disagree	strongly disagree
a. A 'blame					

culture' exists within my agency					
b. I am allowed to take risks in my work					
c. I am allowed to work innovatively with service-users					
d. My agency is ultimately concerned with staying 'safe'					
e. 'Risk Averse' describes my agency well					
f. We rely on actuarial and standardised methods of risk assessment					
g. Really getting to know the client is important in our risk assessment process					
h. We concentrate more on risk control than working to produce change in clients' lives					
i. We balance risk assessment with explicit consideration of the client's					

human rights					
j. There is an expectation from management that if someone re-offends, we should have known and prevented it					
k. If there is a bad outcome with one of our cases, bad practice is assumed as a starting point					
l. It is accepted by the agency that even good decisions can result in bad outcomes					
m. The most important thing about risk management is that I can show I have practised with 'due diligence' should something go wrong					
n. I report throughcare clients to the Parole Board now for things we would have dealt with internally in the past					
o. Structured risk					

assessment tools make my work more professional					
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12. Is there anything you would like to clarify about your answers to this section's questions? (*Optional*)

Questions about autonomy and anxiety

Please check one answer per question. There is a box for free text at the end of the section where you can clarify any of your answers if you want to.

13.

	strongly agree	agree	neutral	disagree	strongly disagree
a. In an ideal social work world, I should be able to act in good faith and be guided by my conscience					
b. In the real social work world I am not able to do that					
c. I am worried by the anxiety that having autonomy can produce					
d. My agency tolerates work which might produce anxiety					
e. I wish I had more autonomy					
f. I sometimes have to follow					

procedures or take action that doesn't feel 'right' in terms of my conscience					
g. When I have to follow procedures that don't feel 'right' it causes stress					
h. I am happy to follow procedures to avoid being blamed if things go wrong					
i. I am confident enough in the support of my agency to act in accordance with my conscience					
j. I act in accordance with my conscience without the support of my agency					
k. I am not able to act in accordance with my conscience					
l. In my work I constantly have to follow procedures without using discretion					
m. Constantly following					

procedures in work can become dispiriting					
n. I sometimes choose not to follow procedures					
o. If I ever choose not to follow procedures, I don't tell my supervisor or manager					
p. It is important I always follow procedures regardless of what I feel about them					
q. I follow procedures diligently so that I am protected if something goes wrong					

14. Is there anything you would like to clarify about your answers to this section's questions? (*Optional*)

Questions about 'disjuncture'

Please check one answer per question. There is a box for free text at the end of the section where you can clarify any of your answers if you want to. (NOTE THAT THE ANSWERS IN THIS SECTION RANGE FROM 'ALWAYS' TO 'NEVER')

15.

	Always	Frequently	Sometimes	Infrequently	Never
a. I experience stress					

because I am not able to help my clients in the way I want					
b. I experience stress because I am not able to respond in the way I want to clients' needs					
c. I experience stress because I am not able to treat my clients with the care I think they need					
d. I experience stress because I am not really able to get to know my clients					
e. I experience stress					

because I am not able to base my practice on my values					
f. Not being able to get to know, help, respond and care about my clients reduces my job satisfaction					
g. Not being able to get to know, help, respond and care about my clients makes me consider changing my job					

16. Is there anything you would like to clarify about your answers to this section's questions? *(Optional)*

Other information

17. Is there anything else you would like to add in relation to the questionnaire as a whole? *(Optional)*

Would you be happy to be part of a focus group looking more

closely at this subject? If so, please enter your email address and I will contact you once the questionnaire results have been collated. If not, just leave the box blank. Many thanks!
(Optional)

You have now finished the survey. Please click CONTINUE and your answers will be submitted.

11 Appendix 4: glossary of acronyms

CJDCS – Criminal Justice Development Centre for Scotland

CJSW – criminal justice social work

CJS – Community Justice Authority

CRD – cjsw related disjuncture

C-SCOGP – Community Sexual Offending Groupwork Programme

EPI – Effective Practice Initiative

IFSW – International Federation of Social Work

LA – local authority

MANOVA – multivariate analysis of variance

MAPPA – multi-agency public protection arrangements

NASW – National Association of Social Workers

NOAS – National Objectives and Standards for Social Work in the Criminal Justice System

NOMS – National Offenders Management Service

POS – Professional Opinion Scale

RMA – Risk Management Authority

SACRO – Safeguarding Communities – Reducing Reoffending

SPSS – Statistical Package for the Social Sciences

SSSC – Scottish Social Services Council

SSW – senior social worker

SWSG – Social Work Services Group

UREC – University research Ethics Committee

VIF – variance inflation factor